

भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती हैं जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 3 अगस्त 1965 तक प्रकाशित किये गये।

The undermentioned Gazettes of India Extraordinary were published upto the 3rd August, 1965:—

Issue No.	No. and Date	Issued by	Subject
175	S.O. 2345, dated 26th July, 1965.	Ministry of Commerce.	The Export of Flash Lights, (Inspection) Rules, 1965.
176	S. O. 2346, dated 27th July, 1965.	Ministry of Information & Broadcasting.	Approval of films specified therein.
177	S.O. 2419, dated 27th July, 1965.	Ministry of Commerce.	Further amendment to the Exports (Control) Order, 1962.
178	S.O. 2420, dated 28th July, 1965.	Ministry of Education.	The International Copyright (Fourth Amendment) Order 1965.
	सं० आ० 2421, दिनांक 28 जुलाई, 1965,	शिक्षा मंत्रालय	अन्तराष्ट्रीय प्रतिलिप्यधिकार (चतुर्थ संशोधन) आदेश, 1965।
179	S.O. 2422, dated 29th July, 1965.	Ministry of Information & Broadcasting.	Approval of film specified therein
180	S.O. 2423, dated 31st July, 1965.	Ministry of Education.	Reconstitution of the Copyright Board.

Issue No.	No. and Date	Issued by	Subject
181	S.O. 2424, dated 2nd August, 1965.	Ministry of Commerce.	Draft notification regarding Inspection of Cast Iron Soil Pipes.
182	S.O. 2425, dated 2nd August, 1965.	Do.	Recognition of agencies for inspection of Cast Iron Soil Pipes prior to export.
	S.O. 2426, dated 2nd August, 1965.	Do.	The Export of Cast Iron Soil Pipes (Inspection) Rules, 1965.
183	S. O. 2427, dated 2nd August, 1965.	Cabinet Secretariat	President's Order amending the Government of India (Allocation of Business) Rules, 1961.
184	S.O. 2494, dated 3rd August, 1965.	Do.	President's Order amending the Government of India (Allocation of Business) Rules, 1961.

ऊपर लिखे असाधारण गजटों की प्रतियाँ प्रकाशन प्रबन्धक, सिविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर दी जाएंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुँच जाना चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II —खण्ड 3—उपखण्ड (ii) PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ क्षेत्र प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विधिक आदेश और अधिसूचनाएँ।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 6th August 1965

S.O. 2500.—

[NOTICE UNDER CLAUSE (B) OF SUB-SECTION (3) OF SECTION 110 OF THE REPRESENTATION OF THE PEOPLE ACT, 1951 (43 OF 1951)].

IN THE COURT OF SHRI G. S. L. SRIVASTAVA, MEMBER ELECTION TRIBUNAL, LUCKNOW

ELECTION PETITION No. 9 of 1964.

Z. A. Ahmad.—Petitioner.

Versus

Shri Faridul Haq Ansari and 13 others.—Respondents.

Notice is hereby given under clause (b) of sub-section (3) of section 110 of the Representation of the People Act, 1951 (43 of 1951), that the Election Tribunal, Lucknow has, in exercise of the Powers conferred on it by section 109 of the said Act, granted leave to Shri Z. A. Ahmad, son of Shri Ziauddin Ahmad, resident of 210, Moh. Sitaram, Azamgarh City, (Uttar Pradesh) at present residing at 4-B, Family Suites, Royal Hotel, Lucknow to withdraw his Election Petition

No. 9 of 1964 which was duly presented by him on 6th day of May, 1964 and called in question the election of Shrimati Sarla Devi, wife of Shri Arjun Singh Bhadoria, residing at 146, Ayara Luhya (West), Post Office Basrehar, District Etawah, as a member of the Council of States.

Any person who might himself have been a petitioner may within 14 (fourteen) days from the date of publication of this notice apply to the Tribunal for substitution as a petitioner under clause (c) of sub-section (3) of section 110 upon complying with the conditions laid down by section 117 as regards security and shall be entitled to continue the proceedings upon such terms as the Tribunal may think fit to impose.

(Sd.) G. S. L. SRIVASTAVA,

Dated 28th July, 1965.

[No. 82/2/64.]

By Order,

PRAKASH NARAIN, Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 6th August 1965

S.O. 2501.—In pursuance of clause (1) of article 239 of the Constitution and in supersession of the Notification of the Government of India in the late Home Department No. F. 126/37-Pub. dated 1st April, 1937 in so far as it relates to discharge of functions under the Societies Registration Act, 1860 (21 of 1860) by the Chief Commissioner of Delhi and also in partial modification of the Notification of the Government of India in the Ministry of Home Affairs S.R.O. No. 2536 dated 1st November, 1956, the President hereby directs that, subject to his control and until further orders, the Chief Commissioner of the Union Territory of Delhi shall exercise the powers and discharge the functions of a State Government under the Societies Registration Act, 1860 (21 of 1860), within his territorial jurisdiction.

[No. F. 2/7/65-UTL.]

S.O. 2502.—In exercise of the powers conferred by section 10 of the Dadra and Nagar Haveli Act, 1961 (35 of 1961), the Central Government hereby extends to the Union territory of Dadra and Nagar Haveli, the Bombay Weights and Measures (Enforcement) Act, 1958 (Bombay Act LXIX of 1958), in force in the State of Maharashtra at the date of this Notification, subject to the following modifications, namely:—

MODIFICATIONS

1. Throughout the Act, for the words "State Government", the word "Administrator" shall be substituted, and there shall also be made, in any sentence in which the words "State Government" occur, such consequential amendments as the rules of grammar may require.

2. In sub-section (2) of section 1, for the words "State of Maharashtra", the words "Union territory of Dadra and Nagar Haveli" shall be substituted.

3. In section 2—

(a) clause (a) shall be renumbered as clause (aa) thereof and before clause (aa) as so renumbered, the following clause shall be inserted, namely:—

"(a) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli;"

(b) clause (j) shall be renumbered as clause (jj) thereof and before clause (jj) as so renumbered, the following clause shall be inserted, namely:—

"(j) "Union territory" means the Union territory of Dadra and Nagar Haveli;"

4. In sub-section (1) of section 15, for the word "State", the words "Union territory" shall be substituted.

5. In section 16, sub-section (3) shall be omitted.

6. In sub-section (2) of section 39, the words "a Presidency Magistrate or" shall be omitted.

7. Section 44 shall be omitted.

8. Section 45 shall be omitted.

9. In section 46—

(a) in clause (xiii) of sub-section (2), the words "and of the officer of the Zilla Parishad appointed under sub-section (3) of section 3," shall be omitted; and

(b) sub-section (5) shall be omitted.

10. Section 47 shall be omitted.

The text of the Act, as modified by this Notification, is published as Annexure to this Notification.

ANNEXURE

THE BOMBAY WEIGHTS AND MEASURES (ENFORCEMENT) ACT, 1958 AS EXTENDED TO THE UNION TERRITORY OF DADRA AND NAGAR HAVELI (BOMBAY ACT LXIX OF 1958)

CHAPTER I.

PRELIMINARY.

1. **Short title, extent and commencement.**—(1) This Act may be called the Bombay Weights and Measures (Enforcement) Act, 1958.

(2) It extends to the whole of the Union territory of Dadra and Nagar Haveli.

(3) It shall come into force on such date as the Administrator may, by Notification in the Official Gazette, appoint; and different dates may be appointed for different provisions of this Act, or for different areas, or for different classes of undertakings, or for different classes of goods.

2. **Definitions.**—In this Act unless the context otherwise requires,—

(a) "Administrator" means the Administrator of the Union territory of Dadra and Nagar Haveli;

(aa) "commercial weight or measure" means a weight or measure purporting to be a standard weight or measure used in any transaction for trade or commerce;

(b) "Controller" means the Controller of Weights and Measures appointed under section 16;

(c) "Inspector" means an Inspector of Weights and Measures appointed under section 15;

(d) "measuring instrument" means any measuring instrument other than a weighing instrument and includes any instrument for measuring length, area, volume or capacity;

(e) "Mint" means the mint of the Central Government either in Bombay or in Calcutta;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "reference standards" means the sets of standard weights and measures supplied to the Administrator by the Central Government in pursuance of sub-section (2) of section 15 of the Standards of Weights and Measures Act, 1956 (LXXXIX of 1956);

(gg) "sealed package or container" means a closed packet, bottle, casket, tin, barrel, case, receptacle, bag, sack, wrapper or any other thing in which any article is placed or packed, and which is intended to be sold with its contents without any weightment or measurement of such contents at the time of sale.

(h) "standard weights or measure" means any unit of mass or measure referred to in sub-section (1) of section 13 of the Standards of Weights and Measures Act, 1956 (LXXXIX of 1956);

- (i) "stamping" means marking in such manner as to be, so far as practicable indelible, and includes casting, engraving, etching and branding;
- (ii) "use in transaction for trade or commerce" means use for the purpose of determining or declaring the quantity of anything in terms of measurement of length, area, volume, capacity or weight in or in connection with—
 - (a) any contract, whether by way of sale, purchase, exchange or otherwise; or
 - (b) any assessment of royalty, toll, duty or other dues; or
 - (c) the assessment of any work done or services rendered, otherwise than in relation to research or scientific studies or in individual households for household purposes;
- (j) "Union territory" means the Union territory of Dadra and Nagar Haveli;
- (jj) "verification" with its grammatical variations, used with reference to weight or measure, or weighing or measuring instrument, includes the process of comparing, checking or testing such weight or measure or weighing or measuring instrument, and also includes re-verification;
- (k) "weighing instrument" means any instrument for weighing and includes scales with the weights belonging thereto, scale-beams, balances, spring balances, steel yards and other weighing machines.

CHAPTER II

STANDARD WEIGHTS AND MEASURES

3. Working standard.—(1) For the purpose of verifying the correctness of commercial weights and measures and weighing and measuring instruments used in transactions for trade or commerce, the Administrator may cause to be prepared as many sets of authenticated standard weights and measures as he may deem necessary to be called the working standards.

(2) The working standards shall be made of such material, and according to such designs and specifications, and shall be prepared by such agency, and shall be stamped and authenticated by such person or authority, and in such manner, as may be prescribed.

(3) The working standards shall be kept at such places, in such custody, and in such manner as may be prescribed.

(4) A working standard shall be verified with the secondary standard and marked by such persons, at such places, at such intervals, and in such manner, as may be prescribed:

(5) A working standard which is not so verified and marked within the prescribed period shall not be deemed legal, or be used for the purposes of this Act.

(6) A working standard which has become defective shall not be deemed legal, or be used for the purposes of this Act, until it has been verified and marked in the prescribed manner.

4. Secondary standards.—(1) For the purpose of verifying the correctness of the working standards, the Administrator may cause to be prepared at the Mint as many sets of authenticated standard weights and measures as he may deem necessary, to be called the secondary standards.

(2) The secondary standards shall be made of such material, and according to such design and specifications, as may be prescribed, and shall be stamped and authenticated by such person or authority, as the Central Government may direct.

(3) The secondary standards shall be kept at such places, in such custody, and in such manner, as may be prescribed.

(4) A secondary standard shall be verified with the reference standard at least once in every period of five years and shall be marked with the date of verification in the prescribed manner by such person or authority as the Administrator may direct.

(5) A secondary standard which is not so verified and marked within the afore-said period, shall not be deemed legal, and shall not be used for the purposes of this Act.

5. Reference standards.—The reference standards shall be kept at such places, in such custody, and in such manner, as the Administrator may direct.

6. Standard weighing and measuring instruments.—(1) For the purpose of verifying the correctness of commercial weights and measures and of weighing and measuring instruments used in transactions for trade or commerce, the Administrator may cause to be prepared as many sets of weighing and measuring instruments as he may deem necessary.

(2) Such instruments shall be of such kind, kept in such number, and shall be verified and stamped in such manner, as may be prescribed.

(3) Such instruments shall be kept at all places where secondary standards or working standards are kept.

7. Prohibition of use of weights and measures other than standard weights and measures.—(1) Notwithstanding anything contained in any other law or any custom, usage or practice, no unit of mass or measure, other than the standard weights or measures, shall be used in any transactions for trade or commerce in any area or class of goods or undertakings in respect of which this section has come into force; or be kept in any premises where such transactions are usually conducted.

(2) Any custom, usage, practice or method of whatever nature which permits in any trade, a trader, seller or buyer to demand, receive, or cause to be demanded or received, any quantity of articles in excess of, or less than, the quantity fixed by the weight or measure by which the contract or dealing in respect of the said articles has been made, shall be void.

(3) Any transaction, dealing or contract made or had after the expiry of three months from the commencement of this section shall, in so far as it contravenes the provisions of sub-section (1), be void.

8. Power to prescribe use of weights only or measures only, in certain cases.—

(1) Notwithstanding anything contained in this Act, the Administrator may, by notification in the Official Gazette, direct that in any specified trade or class of trades, no transactions, dealing or contract shall be made or had, except by weight only, or except by measures only.

(2) A notification issued under this section shall take effect in such area, with effect from such date, and subject to such conditions, if any, as may be specified therein.

CHAPTER III

VERIFICATION AND STAMPING OF WEIGHTS AND MEASURES

9. Marking of denominations on commercial weights and measures.—Every weight or measure manufactured for use as a commercial weight or measure shall bear the denomination of the weight or measure which it purports to be marked legibly on it, in such manner as may be prescribed.

10. Prohibition of sale of unstamped commercial weights and measures.—No commercial weight or measure or weighing or measuring instrument shall be sold or delivered, unless it has been verified or reverified in accordance with the rules made under this Act, and stamped in the prescribed manner by an Inspector with a stamp of verification.

11. Prohibition of use of unstamped commercial weights or measures.—No weight or measure or weighing or measuring instrument shall be used in any transactions in trade or commerce, unless it has been verified or reverified in accordance with the rules made under this Act, and stamped in the prescribed manner by an Inspector, with a stamp of verification.

12. Power of State Government to exempt.—Where the size of a commercial weights or measures renders it impracticable to have any denomination marked on it under the provisions of section 9, or to be stamped under the provisions of section 10 or section 11, the Administrator may, by notification in the Official Gazette, exempt such weight or measure from being so marked or stamped.

13. Prohibition of manufacture, etc. of weights and measures without licence.—No person shall, in the course of trade, manufacture, repair or sell any commercial weight or measure or any weighing or measuring instrument, unless he has obtained in the prescribed manner a licence in this behalf, which may be granted by the Administrator or any officer authorised by him in this behalf, subject to such conditions as may be prescribed.

14. Marking of Weight or measure in sealed containers.—No person shall sell, offer for sale, expose for sale, or have in his possession for sale, any article contained in a sealed package or container unless such package or container bears thereon, or on a label securely attached thereto, a description of the net weight or measure of the article contained therein:

“Provided that, the provisions of this section shall not apply to—

(a) any sealed package or container—

(i) of net weight of less than one hundred and twenty grammes, if the sealed package or container contains biscuits, confectionary or sweets; and

(ii) of net weight of less than sixty grammes, if the sealed package or container contains any other food-stuff;

(b) any other article sold, offered for sale, exposed for sale which is not ordinarily sold in transactions for trade or commerce by weight or measure:

Provided further that, the Administrator may, if it is satisfied that the size of any class of such packages or containers renders it impracticable to comply with the provisions of this section, by notification in the *Official Gazette*, exempt such class of packages or containers from the operation of this section.

14A. No person shall, in any transaction for trade or commerce, quote the price, or express the quantity, of any article otherwise than in standard weight or measure.

15.(1) Appointment of Controller, Deputy Controllers, Assistant Controllers and Inspectors.—The Administrator may appoint a Controller of Weights and Measures for the Union territory, and as many Deputy Controllers, Assistant Controllers and Inspectors of Weights and Measures as may be necessary, for exercising the powers and discharging the duties conferred or imposed on them by or under this Act. Their qualifications shall be such as may be prescribed.

(2) The Administrator may, by general or special order, define the local limits within which each Inspector shall exercise the powers and discharge the duties conferred or imposed on Inspectors by or under this Act.

(3) Subject to the provisions of this Act, all Deputy and Assistant Controllers of Weights and Measures and Inspectors shall perform their functions under the general superintendence and control of the Controller; and the Controller, Deputy Controllers and the Assistant Controllers of Weights and Measures may, in addition to the powers and duties conferred or imposed on them by or under this Act, exercise any power or discharge any duty so conferred or imposed on Inspectors.

16. Verification and stamping by Inspectors.—(1) Every Inspector shall, for the purpose of verification of weights and measures and weighing and measuring instruments, attend at such place and time, within his jurisdiction, as may be appointed in this behalf by the Controller.

(2) The Inspector shall verify every weight or measure, or weighing or measuring instrument, which is brought to him for the purpose of verification, and if he finds such weight or measure or weighing or measuring instrument correct and in conformity with the Standards of Weights and Measures Act, 1956 (LXXXIX of 1956) and the rules made thereunder, he shall stamp the same with a stamp of verification in the prescribed manner.

17. Power to inspect etc.—(1) An Inspector may, within the area under his jurisdiction, inspect at all reasonable times, the weights, measures and weighing and measuring instruments which are used in transactions for trade or commerce, or are in the possession of any person or are on any premises for such use, and may verify every such weight or measure or weighing or measuring instrument with a secondary or working standard or weighing or measuring instrument prescribed for the purpose.

(2) For the purpose of verifying the correctness of any weight or measure used in any transaction, an Inspector may also verify the weight or measure of any article sold or delivered in the course of the transaction.

(3) An Inspector may, at all reasonable times, require any trader or any employee or agent of a trader, to produce before him for inspection all weights, measures and weighing and measuring instruments which are used by him or are in his possession or are kept on any premises used for trade, and all documents and records relating thereto, and such trader, employee or agent shall comply with such requisition.

(4) An Inspector may seize and detain any weight or measure or weighing or measuring instrument regarding which an offence under this Act appears to have been committed, or which appears to have been, or which might be, used in the commission of such an offence, and may also seize and detain any articles sold or delivered or caused to be sold or delivered by means of such weight or measure or weighing or measuring instrument, together with any documents or records relating thereto.

(5) Where an Inspector has reason to believe that a sealed package or container does not actually contain the net weight or measure of the article which it purports to contain, the Inspector may break open the sealed package or container and verify its contents and if, on such verification, the net weight or measure of the article is found to be correct, the Inspector shall re-seal the package or container where it is possible so to do without injury to the contents thereof, and attach a certificate thereto stating the correct weight or measure of the article; but if, on the other hand, the net weight or measure of the article is found to be incorrect, the Inspector may seize and detain the package and container and the article contained therein.

(6) For the purpose of such inspection, an Inspector may, at all reasonable times, enter into any place where weights, measures or weighing or measuring instruments are used or kept for use in transactions for trade or commerce, and inspect such weights and measures and weighing and measuring instruments.

18. Power Inspectors adjust weights or measures.—Where it appears to the Administrator desirable that an Inspector should be allowed in any area to adjust the weights or measures or weighing or measuring instruments, he may, if he thinks fit, authorise such Inspector to adjust weights and measures or such instruments accordingly.

19. Manufacturers, etc. to maintain records and documents.—(1) Every manufacturer, repairer or dealer in weights and measures or weighing or measuring instruments, and every person using them in transactions for trade or commerce, shall maintain such records and accounts as may be prescribed if required so to do by an Inspector, and shall produce such records and accounts before him in such manner as may be prescribed.

(2) Notwithstanding anything contained in sub-section (1), if the Administrator is of opinion that have regard to the nature of business carried on by any such manufacturer, repairer or dealer, it is necessary so to do, he may, by order exempt such person or class of persons from the operation of that sub-section.

20. Appeals.—(1) Subject to the provisions of sub-section (2), an appeal shall lie—

(a) from every decision of an Inspector or Assistant Controller or Deputy Controller under this Act to the controller; and

(b) from every decision of the Controller under this Act not being a decision made in appeal under clause (a), to the Administrator or any officer specially authorised in this behalf by the Administrator.

(2) Every such appeal shall be preferred within sixty days from the date of the decision.

(3) On receipt of such an appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard, and after making such enquiry as it deems proper, decide the appeal, and the decision of the appellate authority shall be final.

21. Levy of fees.—The Administrator may charge such fees—

(a) for the grant of licences under section 13, for the manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments, and

(b) for the verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments,

as may be prescribed.

22. Validity of weights and measures duly stamped.—A weight or measure or weighing or measuring instrument, duly stamped by an Inspector under this Act shall be a legal weight or measure or weighing or measuring instrument in all places in which the relevant provisions of this Act have come into force, unless it is found to be false or defective, and shall not be liable to be re-stamped by reason merely of the fact that it is used in any place other than that in which it was originally stamped.

CHAPTER IV

PENALTIES

23. Penalty for sale or delivery by weight or measure or for keeping unit of mass or measure other than standard weight or measure.—Whoever, after the expiry of three months from the commencement of this section, sells or causes to be sold, or delivers or causes to be delivered, in the course of any transaction for trade or commerce, any article by any denomination of weight or measure other than one of the standard weights or measures, or whoever keeps any unit of mass or measure other than the standard weights or measures in any premises where such transactions are usually conducted shall be punished, for a first offence, with fine which may extend to two thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine, or with both.

24. Penalty for sale of unstamped commercial weights and measures.—Whoever sells or delivers any commercial weight or measure, or any weighing or measuring instrument, which has not been verified, or reverified, or stamped in accordance with the provisions of this Act and the rules made thereunder, shall be punished with fine which may extend to two thousand rupees.

25. Penalty for use or possession of unstamped commercial weights and measures.—Whoever uses in any transaction for trade or commerce, or has in his possession for such use, any commercial weight or measure or any weighing or measuring instrument, which is not authorised or which has not been verified, or reverified, or stamped, in accordance with the provisions of this Act and the rules made thereunder, shall be punished for a first offence, with fine which may extend to two thousand rupees, and for a second or subsequent offence, with imprisonment for a period which may extend to three months, or with fine, or with both.

Explanation 1.—When any such weight or measure, or weighing or measuring instrument, is found in the possession of any trader, or any employee or agent of such trader, such trader, employee or agent shall be presumed, until the contrary is proved, to have had it in his possession for use in transactions for trade or commerce.

Explanation 2.—Where any weight or measure or weighing or measuring instrument is used or possessed, in contravention of this section, by any employee or agent of a trader, on behalf of such a trader, such trader, shall, unless he proves that the offence under this section was committed by his employee or agent without his knowledge or consent, be also deemed to be guilty of the offence.

26. Penalty for use of weight or measure in contravention of section 8.—Whoever contravenes any of the provisions of a notification issued under section 8, shall be punished with fine which may extend to two thousand rupees.

27. Penalty for manufacture, repair or sale of weights, etc. without licence.—If any person manufactures, repairs or sells any commercial weight or measure or weighing or measuring instrument, without obtaining a licence as required by section 13, he shall be punished with imprisonment for a period which may extend to three months, or with fine, or with both.

28. Penalty for failure to mark weight or measure on sealed containers.—Whoever contravenes the provisions of section 14, shall be punished with fine which may extend to two thousand rupees.

28A. Penalty for quoting prices or expressing quantities otherwise than in terms of standard weight or measure in contravention of section 14A.—Whoever contravenes the provisions of section 14A shall be punished with fine which may extend to two thousand rupees.

29. Penalty for fraudulent use of weights, measures, etc.—Whoever fraudulently uses any weight or measure or weighing or measuring instrument, which he knows to be false, shall be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

30. Penalty for being in possession of false weight or measure, etc.—Whoever is in possession of any weight or measure or weighing or measuring instrument, which he knows to be false, intending that the same may be fraudulently used, shall be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

31. Penalty for making or selling false weights or measures, etc.—Whoever makes, sells or disposes of, or causes to be made, sold or disposed of, any weight or measure or weighing or measuring instrument, which he knows to be false, in order that the same may be used as true, or knowing that the same is likely to be used as true, shall be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

32. Penalty for delivering or receiving any quantity of article less than, or in excess of, the quantity, fixed by the weight or measure in contract.—Whoever—

- (i) in selling any article by weight or measure delivers or causes to be delivered to the purchaser any quantity of that article less than, or
- (ii) in buying any article by weight or measure demands or receives or causes to be demanded or received from the vendor any quantity of that article in excess of,

the quantity fixed by weight or measure by which the contract or dealing in respect of that article has been made, shall be punished with fine which may extend to five hundred rupees.

33. Penalty for forging, etc. of weights, measures, etc.—(1) Whoever forges or counterfeits any stamp used under this Act for the stamping of any standard weight or measure or weighing or measuring instrument, or possesses any such counterfeit stamp, or removes a stamp from any standard weight or measure or weighing or measuring instrument and inserts the same into another weight or measure or weighing or measuring instrument, or wilfully increases or diminishes a weight or measure so stamped, shall be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

(2) Whoever knowingly uses, sells, disposes of, exposes for sale, any weight or measure or weighing or measuring instrument with such forged or counterfeit stamp thereon, or a weight or a measure so increased or diminished, shall be punished with imprisonment for a period which may extend to six months, or with fine, or with both.

34. Penalty for neglect or refusal to produce weight or measure, etc. for inspection.—Whoever—

- (a) refuses or neglects to produce for inspection under section 17, any weight or measure or weighing or measuring instrument, or any document or record relating thereto, in his possession or on his premises; or
- (b) refuses to permit an Inspector to inspect and verify any such weight, measure, instrument, document or record; or
- (c) obstructs the entry of an Inspector under section 17; or
- (d) otherwise obstructs or hinders an Inspector in the performance of his duties under this Act,

shall be punished with fine which may extend to five hundred rupees.

35. Penalty for breach of duty by Inspector.—If an Inspector knowingly stamps a weight or measure or weighing or measuring instrument, in contravention of the provisions of this Act or of the rules made thereunder, or is guilty of a breach of any duty imposed on him by this Act or the rules made thereunder, he shall be punished with imprisonment for a period which may extend to one year, or with fine, or with both.

36. Forfeiture.—Any weight or measure, or weighing or measuring instrument which is not authorised by this Act, shall be forfeited to the Administrator.

CHAPTER V

MISCELLANEOUS

37. Controller, etc. to be public servants.—The Controller, Deputy Controllers, Assistant Controllers and Inspectors appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. (XLV of 1860).

38. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Controller, or any Deputy or Assistant Controller of Weights and Measures or any Inspector or any other person, in respect of anything which is in good faith done or intended to be done, in pursuance of this Act or the rules made thereunder.

38A. Compounding of offences.—(1) Any offence punishable under section 23, 24, 25, 26, 27, 28, 32 or 34 other than a second or subsequent offence under section 23 or section 25 may, either before or after the institution of the prosecution, be compounded by the Administrator or by any other authority authorised in this behalf by the Administrator on payment of such sum as the Administrator or such authority, as the case may be, thinks fit.

(2) On payment by the offender of such sum, the offender, if in custody, shall be set at liberty, and if any proceedings in any criminal court have been instituted against the offender in respect of the offence, the composition shall be deemed to amount to an acquittal, and no further criminal proceedings shall be taken against him in respect of such offence.

39. Cognizance of offences, etc.—(1) No court shall take cognizance of an offence punishable under this Act except upon complaint in writing made by the Controller or any officer authorised in this behalf by the Controller by general or special order.

(2) No court, inferior to that of a Magistrate of the first class, shall try any offence punishable under this Act.

40. Stamped weight, etc. to be presumed to be correct.—A weight or measure or weighing or measuring instrument duly stamped under the provisions of this Act and the rules made thereunder, shall be presumed to be correct until its inaccuracy is proved, if this is produced in any court by any Inspector having charge thereof or by any person acting under the general or special authority of the Controller.

41. Offences by companies.—(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) "company" means anybody corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

42. Delegation of powers.—The Administrator may, by notification in the Official Gazette, direct that any power exercisable by him under this Act or the rules made thereunder shall, in relation to such matters and subject to such conditions, as may be specified in the direction, be exercisable also by such officer or authority subordinate to the Administrator as may be specified in the notification.

43. Limits of error to be tolerated in weights and measures.—Subject to any rules that may be made under the Standards of Weights and Measures Act, 1956 (LXXXIX of 1956), in this behalf, the Administrator may prescribe the limit of error which may be tolerated—

(a) in secondary standard referred to in section 4;

(b) in working standards referred to in section 3;

(c) in commercial weights and measures or in selling articles by weight or measure generally, or as regards any trade or class of trades; and

(d) in weighing and measuring instruments.

46. Power to make rules.—(1) The Administrator may, by notification in the *Official Gazette*, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) the materials of which and the designs and specifications according to which, the working standards shall be made, the agency by which they shall be prepared, the person by whom, or the authority by which, and the manner in which, they shall be stamped and authenticated under sub-section (2) of section 3;

(ii) the places at which, and the custody and manner in which, the working standards shall be kept under sub-section (3) of section 3;

(iii) the persons by whom, the places and intervals at which and the manner in which, the working standards shall be marked under sub-section (4) of section 3;

(iv) the manner in which working standards which have become defective shall be verified under sub-section (6) of section 3;

(v) the material of which, and the designs and specifications according to which, the secondary standards shall be made under sub-section (2) of section 4;

(vi) the places at which, and the custody and manner in which the secondary standards shall be kept under sub-section (3) of section 4;

(vii) the manner in which secondary standards shall be marked with the date of verification under sub-section (4) of section 4;

(viii) the number and kind of weighing and measuring instruments, and the manner in which they shall be verified and stamped under sub-section (2) of section 6;

(ix) the materials of which, and the designs and specifications according to which, commercial weights and measures and weighing and measuring instruments shall be made, and the sale of such weights, measures and instruments;

(x) the manner in which the denomination of commercial weights and measures shall be marked under section 9;

(xi) the manner in which commercial weights or measures or weighing or measuring instruments shall be verified, reverified and stamped under section 10;

(xii) the form and manner in which, and the conditions subject to which, licences may be granted to persons for manufacture, repair or sale of commercial weights and measures and weighing and measuring instruments, under section 13;

(xiii) the qualifications of the Controller, Deputy Controllers, Assistant Controllers and Inspectors under sub-section (1) of section 15;

(xiv) the manner in which weights or measures or weighing or measuring instruments shall be stamped by Inspectors under sub-section (2) of section 16;

(xv) the records and accounts to be maintained under sub-section (1) of section 19; by manufacturers, repairers and dealers of weights, measures, weighing instruments and measuring instruments, and by persons using them, and the manner in which such records and accounts shall be produced for inspection;

(xvi) the form and manner in which appeals may be preferred under section 20;

(xvii) the fees to be charged for the grant of licences and for verification, marking, stamping and adjustment of commercial weights and measures and weighing and measuring instruments under section 21;

(xviii) the limit of error in sales of articles by weight or measure under section 32;

(xix) the seizure, detention and disposal of weights and measures and weighing and measuring instruments which are not authorised by this Act;

(xx) the limit of error to be tolerated in secondary and working standards, in commercial weights and measures, in weighing and measuring instruments and in sales of articles, generally, or as regards any trade or class of trades, under section 43;

(xxi) any other matter which is to be, or may be, prescribed.

(3) In making any rule under this section, the Administrator may provide that a breach thereof shall be punished with fine which may extend to five hundred rupees.

(4) The power to make rules under this section shall be subject to the condition of previous publication in the Official Gazette.

46A. Act not to apply to weights and measures, etc., used in unit or establishment of Armed Forces of the Union.—Nothing in this Act shall apply to weights or measures or weighing or measuring instruments used by or in any unit or establishment of the Armed Forces of the Union.

[No. F. 10/7/65-UTL-78.]

K. R. PRABHU, Dy. Secy.

MINISTRY OF FINANCE

(Department of Economic Affairs)

New Delhi, the 3rd August, 1965.

S.O. 2503.—In exercise of the powers conferred by section 53 of the Banking Companies Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply to the Catholic Syrian Bank Ltd., Trichur, in respect of the immovable property held by it at Thoppumpady, Palluruthy, Cochin, Ernakulam District, Kerala State, till the 1st August, 1966.

[No. F. 15(15)-BC/65.]

R. N. P. SINHA, Under Secy.

(Department of Economic Affairs)

New Delhi, the 9th August 1965

S.O. 2504.—Statement of the Affairs of the Reserve Bank of India as on the 30th July, 1965

BANKING DEPARTMENT

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up	5,00,00,000	Notes	44,25,00,000
		Rupee Coin	9,72,000
Reserve Fund	80,00,00,000	Small Coin	3,88,000
National Agricultural Credit (Long Term Operations) Fund	100,00,00,000	Bills Purchased and Discounted:—	
		(a) Internal	..
		(b) External	..
National Agricultural Credit (Stabilisation) Fund	10,00,00,000	(c) Government Treasury Bills	50,86,26,000
		Balances held Abroad*	7,42,82,000
National Industrial Credit (Long Term Operations) Fund	15,00,00,000	Investments**	326,22,84,000
		Loans and Advances to:—	
		(i) Central Government	..
		(ii) State Governments@	56,01,31,000

Deposits:—

(a) Government :—

(i) Central Government	119,45,45,000
(ii) State Governments	17,04,90,000

(b) Banks :

(i) Scheduled Banks	99,51,12,000
(ii) State Co-operative Banks	2,76,04,000
(iii) Other Banks	6,53,000

(c) Others 237,88.82,000

Bills Payable	21,89,20,000
Other Liabilities	24,69,53,000

Rupees . 733,31,59,000

Loans and Advances to :—

(i) Scheduled Banks†	9,49,30,000
(ii) State Co-operative Banks††	148,35,79,000
(iii) Others	335,76,000

Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund—

(a) Loans and Advances to :—

(i) State Governments	30,03,53,000
(ii) State Co-operative Banks	13,81,99,000
(iii) Central Land Mortgage Banks . . . . .	..

(b) Investment in Central Land Mortgage Bank Debentures
Loans and Advances from National Agricultural Credit (Stabilisation) Fund— 4,60,35,000

Loans and Advances to State Co-operative Banks . ..

Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund—

(a) Loans and Advances to the Development Bank . 2,17,34,000

(b) Investment in bonds/debentures issued by the Development Bank

Other Assets 36,55,72,000

Rupees . 733,31,59,000

*Includes Cash and Short-term Securities.

**Excluding investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

@ Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdrafts to State Governments.

†Includes Rs. Nil advanced to scheduled banks against usance bills under section 17(4)(c) of the R. B. I. Act.

††Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 4th day of August 1965.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 30th day of July, 1965

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department			Gold Coin and Bullion :—		
Notes in circulation	44,25,00,000		(a) Held in India	133,75,66,000	
	2573,42,63,000		(b) Held outside India	..	
Total Notes issued		2617,67,63,000	Foreign Securities	68,35,13,000	
			TOTAL		202,10,79,000
			Rupee Coin		100,84,45,000
			Government of India Rupee Securities		2314,72,39,000
			Internal Bills of Exchange and other commercial paper		..
TOTAL LIABILITIES		2617,67,63,000	TOTAL ASSETS		2617,67,63,000

Dated the 4th day of August, 1965.

P. C. BHATTACHARYA,
Governor.

[No. F. 3(2)-BC/65.]
R. K. SESHADRI, Director (Banking).

(Department of Revenue)

ESTATE DUTY

New Delhi, the 31st July 1965

S.O. 2505.—In exercise of the powers conferred by sub-section (3) of Section 4 of the Estate Duty Act, 1953 (34 of 1953), the Central Government hereby appoints the persons, whose names are given in the appendix, as Valuers for the purpose of the said Act for a period of five years from the date of this notification.

2. The scale of charges for the remuneration of Valuers appointed by the Central Government for valuing any property shall be as fixed below and no such Valuer shall charge a fee at a scale higher than the scale so fixed:

Provided that where two or more properties are required to be valued—

- (i) by a Committee of Arbitration or by a third Valuer in pursuance of a single order, or
- (ii) by a Valuer, in pursuance of a single reference made by a Controller, of Estate Duty or at the instance of an accountable person,

all such properties shall be deemed to constitute a single unit of property for the purposes of fixing the fee payable to the Committee or the Valuer, as the case may be;

Provided further that where the same property or properties, required to be valued by the same Committee of Arbitration or, as the case may be, by the same valuer, is or are common to more than one case and the valuation relates to the same date, the Committee of Arbitration or the Valuer shall be entitled to charge fees at the scale fixed below only in one case and in the remaining case or cases the said Committee of Arbitration or Valuer shall be entitled to charge fees not exceeding rupees one hundred per case.

Scale of Charges

On the first Rs. 50,000/- of the property so valued 1/2% of the value.

On the next Rs. 1,00,000/- of the property so valued 1/4% of the value.

On the balance of the property so valued 1/8% of the value.

APPENDIX

I—Engineers/Surveyors/Architects

Sl. No.	Name	Address
1	Shri Bhavanani P.J., B.Sc. (Edin)	Rang Mahal, 2, Mount Mary Road, Bandra, Bombay-50.
2	Shri Dalaya, J.B., B.Sc. (Eng.) Lond., A.C.G.I.	Opp. Cantonment Post Office, 331, Sachapur Street, Poona-1.
3	Shri Banerjee, K. K., B.Sc., B.E., C.E., M.I.E. (Ind.)	Haridham, Chinsura, Dist. Hooghly, West Bengal.
4	Shri Bhojaraja B.K., B.F., A.M.I.E.	K-8, Green Park Extension, New Delhi-16.
5	Shri Venkataraman, G.D.C.E., M.I.E.	No. 81, East Abhiramapuram, Mylapore Madras-4.
6	Shri Vora, P.K., B.E., M.I.E. (Ind.)	Nagar Chakle, Etui (Kutch).
7	Shri Mewada, M.N., B.E. (Civil) A.M.I.E.	6, Pargna Society, Navrangpura, Ahmedabad-9.

Sl. No.	Name	Address
II—Accountants		
1	Shri Shah, Pradyumna N., F. C.A.	C/o Shah & Co., Chartered Accountants, 418 Kalbadevi Road, Bombay-2.
2	Shri Basu, A. K.	C/o M/s. G. Basu & Co., Chartered Accountants, 6, Hastings Street, Calcutta.
3	Shri Bhattachariya, S. K.	C/o S. K. Bhattachariya & Co., Chartered Accountants, 7, Old Post Office Street, Calcutta.
4	Shri Benkatramanan, M.R., B. Com., F.C.A.	C/o R.G.N. Price & Co., Chartered Accountants, 202, Mount Road, P.O. Box No. 335, Madras-2.

[No. 16/F. No. 5/76/65-E.D.]

New Delhi, the 5th August 1965

S.O. 2506.—The Central Government hereby renews the appointment of the undermentioned Valuers whose names were previously published as S.O. 2315 in Part II, Section 3(ii) of the Gazette of India, dated the 28th July, 1962 for a further period of five years with effect from the 16th July, 1965.

2. The scale of charges for the remuneration of Valuers appointed by the Central Government for valuing any property shall be as fixed below and no such Valuer shall charge a fee at a scale higher than the scale so fixed:

Provided that where two or more properties are required to be valued—

(i) by a Committee of Arbitration or by a third Valuer in pursuance of a single order, or

(ii) by a Valuer, in pursuance of a single reference made by a Controller of Estate Duty or at the instance of an accountable person,

all such properties shall be deemed to constitute a single unit of property for the purposes of fixing the fee payable to the Committee or the Valuer, as the case may be:

Provided further that where the same property or properties, required to be valued by the same Committee of Arbitration or, as the case may be, by the same Valuer, is or are common to more than one case and the valuation relates to the same date, the Committee of Arbitration or the Valuer shall be entitled to charge fees at the scale of fixed below only in one case and in the remaining case or cases the said Committee of Arbitration or Valuer shall be entitled to charge fees not exceeding rupees one hundred per case.

Scale of Charges

On the first Rs. 50,000/- of the property so valued	1/2% of the value.
On the next Rs. 1,00,000/- of the property so valued	1/4% of the value.
On the balance of the property so valued	1/8% of the value.

Sl. No.	Name	Address
I—Engineers/Surveyors/Architects		

- | | | |
|---|--|--|
| 1 | Shri Bedekar, V.P., B.Sc., B.E., A.M.I.E. (Ind.) | Retired Executive Engineer, Miraj, Distt., Sangli. |
| 2 | Shri Barai, Natvarlal M., B.E., A.M.I.E. (Lond.) | Lentin Chambers, 36, Dalal Street, Fort Bombay-1. |
| 3 | Shri Brijmohan Lal, M.I.E., I.S.E. (Retd.) | 3/17, East Patel Nagar, New Delhi-12. |

Sl. No.	Name	Address
4	Shri Limaye, D.R. B.Sc., B.E., A.M.I.E., (Ind.)	1468, Sadashiv Peth, Near Khajina Vihar, Poona-2.
5	Shri Parikh, P.B., B.E., A.M.I.E.	C/o Western India Engineering Co., Porwad Mansion, Mahatma Gandhi Rd., Baroda.
6	Shri Reuben Samuel Simon, F.R.I.B.A. (Lond.), F.I.I.A.	C/o Simon & Co., Commissariat Building, 231, Dr. Dadabhoy Naoroji Road, Bombay.

II—Accountants

- 1 Shri Basu S. K., B.A., F.C.A., F.S.A.A. C/o S. K. Basu & Co., Temple Chambers, 6, Old Post Office Street, Calcutta.
- 2 Shri Mukerjee, P. N. B.Sc., F.S.A.A., F.C.A. C/o P. N. Mukerjee & Co., 11, Old Post Office Street, Calcutta-1.

III—Specialist in Agriculture and Farm Valuation

- 1 Shri Iyengar, S. Rangaswamy, B.A., B.Ag. No. 24, XIVTH Cross, Lakshendra Extns Bangalore-II.

[No. 17/F. No. 5/67/65-E.D.]

G. R. HEGDE, Dy. Secy.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 4th August 1965

S.O. 2507.—In exercise of the powers conferred by sub-section (1) of Section 122 of Income-tax Act, 1961 (43 of 1961) and of all other powers enabling it in that behalf, the Central Board of Direct Taxes hereby makes the following addition in the Schedule appended to its notification No. 49-Incometax, dated 27th July, 1964, as amended from time to time namely:—

Against A-Range, Indore in Column No. 2 the following shall be added.

13. D-Ward, Ujjain.

This notification will come into effect from 4th August, 1965.

Explanatory Note

The above addition has become necessary on account of creation of a new ward viz., D-Ward, Ujjain.

(This note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 65 (F. No. 50/64/65-ITJ).]

P. G. GANDHI, Under Secy.

THE MADRAS CENTRAL EXCISE COLLECTORATE

Madras, the 5th June 1965

S.O. 2508.—In pursuance of rule 233 of the Central Excise Rules, 1944, the undersigned directs that a register in the form enclosed herewith shall be maintained by licensed processors of cotton fabrics so as to enable the department to correlate the grey cloth received for processing, grey cloth issued for processing and processed cloth actually obtained and variations due to elongation, shrinkage etc. The above register should be maintained in respect of cotton fabrics received for processing millwise and datewise.

PROFORMA OF REGISTER

Date of issue for stitching	Stitching Card No.	No. of bales issued for stitch- ing (with Sl. Nos.)	Sort No. & assess- ment category	Total area of the cloth in Sq. metres	Date of issue for processing	Processing Card No.	Relating stitching card No. (if the lot is covered by more than one stitching card).	Total quantity of grey cloth taken for pro- cessing in Sq. metres	Quantity of processed cloth obtained Sound/ Fents/ Rags & Chindies	Total Difference due to shrinkage, elongation etc. (between columns 9 & 10)	Percentage of column 11 to 9	Remarks
1	2	3	4	5	6	7	8	9	10	11	12	13

NOTE:—Where a lot issued for processing covers more than one stitching card, relevant details of the different stitching cards should also be furnished in columns 1 to 5 so that the total quantity will be readily available. A cross reference should be made against the concerned entries of stitching cards to show that the quantity of processed cloth is accounted for separately.

- (2) The quantity of fents, rags and chindies may be accounted for separately for each processed lot and where the quantity is usually noted in terms of weight, the area pro-rata must be calculated for noting in column 10.

[C. No. V(19)/30/36/65-CE.Pol.]

CENTRAL EXCISE

Madras, the 29th July, 1965.

S.O. 2509.—In pursuance of Rule 5 of the Central Excise Rules 1944, the undersigned hereby empower the Deputy Collectors of Central Excise in this Collectorate, to exercise within their respective jurisdictions the powers for approval of manufacturing formulae under rule 191-A of the Central Excise Rules, 1944.

[C. No. V/19/30/35/65 B.1.]

A. K. ROY, Collector.

MINISTRY OF INDUSTRY & SUPPLY

(Deptt. of Industry)

ORDER

New Delhi, the 3rd August 1965

S.O. 2510.—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951, read with rule 4 of the Central Advisory Council (Procedural) Rules, 1952, the Central Government hereby appoints Shri K. G. Sriwastava, to be member, till the 8th July, 1967, of the Central Advisory Council of Industries established by the Order of the Government of India in the Ministry of Industry and Supply No. S.O. 2029, dated the 9th July, 1965, and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, after entry No. 23 relating to Shri Manohar Kotwal, the following entry shall be added, namely:—

"23. A. Shri K. G. Sriwastava, Secretary, All-India Trade Union Congress, 5-E, Jhandewalan, Rani Jhansi Road, New Delhi-1."

[No. 1(3) Lic. Pol./65.]

J. S. BAKHSI, Under Secy.

(Department of Industry)

ORDER

New Delhi, the 6th August 1965

S.O. 2511/IDRA/18G/65.—In exercise of the powers conferred by section 18-G of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following Order further to amend the Cement Control Order, 1961, namely:—

(1) This Order may be called the Cement Control (Ninth Amendment) Order, 1965.

(2) In the Schedule to the Cement Control Order, 1961, after the paragraph (B) the following paragraph shall be inserted namely:—

“(C) In addition to the price specified in paragraph (A) and the extra amount, if any, specified in paragraph (B), the producers mentioned below, who have with the approval of the Central Government, adopted the use of furnace oil for manufacture of cement, may charge an additional amount at the rate and with effect from the date specified against each producer, that is to say,—

Name of Producer	Additional	Date from which the addi-
	tional	amount may be
1	per metric	charged.1
	tonne	2
I. M/s. India Cements Ltd., Madras.		
	Rs.	
Talaiyuthu Works	4.80	15 June, 1965.
Sankaridrug Works	8.99	24th April, 1965.
	9.23	1st June, 1965.

Name of Producer	Additional amount per metric tonne	Date from which the additional amount may be charged
I	2	
2. M/s. Associated Cement Companies Ltd., Bombay	Rs.	
Dwarka Works	5.89	1st June, 1965.
Madukkarai Works	5.58	1st June, 1965.
3. M/s. Saurashtra Cement & Chemical Industries Ltd., Ranavav	5.07	18th February, 1965.
	5.31	1st June, 1965.
4. M/s. Shree Digvijay Cement Co. Ltd., Bombay		
Sikka Works	0.87	18th February, 1965.
	0.89	1st April, 1965.
	0.93	1st June, 1965.

[No.8-17/65-CEM-II.]

R. NATARAJAN, Under Secy

(Department of Industry)**ORDER***New Delhi, the 5th August 1965*

S.O. 2512/IDRA/6/15.—In exercise of the powers conferred by Section 6 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rule 5(1) of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, till the 4th July, 1961, Shri N. M. Dadachanji to be a member of the Development Council established by the Order of the Government of India in the Ministry of Industry and Supply No. S.O. 2209, dated the 5th July, 1965 for the scheduled industries engaged in the manufacture or production of Organic Chemicals and directs that the following amendment shall be made in the said Order, namely:—

In the said Order, after entry No. 29 relating to Shri A. S. Naggarkatti, the following entry shall be inserted, namely:—

30. Shri N. M. Dadachanji, M/s. Hind Dyes Mfg. Co. Ltd., 62, Caribdas Street, Vadgadi, Bombay-3.

[No. 2(9)/Dev. Councils/64.]

R. C. SETHI, Under Secy.

(Department of Industry)**(Indian Standards Institution)***New Delhi, the 30th July, 1965*

S.O. 2513.—In licence No. CM/L-1063 dated 29th April, 1965, held by the Omega Insulated Cable Co., (India) Ltd., Madras-6, the details of which are published under S.O. 1592 in the Gazette of India, Part II, Section 3, Sub-section (ii) dated 22nd May, 1965, the list of articles has been revised as under with effect from 5th July, 1965:

Type	Voltage Grade	Conductor
<i>VIR Cables for fixed wiring</i>		
(i) Braided and Compounded Cables	250/440 Volts	Copper or Aluminium
(ii) Braided and Compounded Cables	650/1100 Volts	Aluminium only
(iii) Weather proof Cables	250/440 and 650/1100 Volts.	Aluminium only


[No. MD/12: 1928.]

New Delhi, the 5th August 1965

S.O.2514.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955, as amended in 1962, the Indian Standards Institution hereby notifies that the Standard Mark, design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952, as amended in 1961, and the rules and regulations framed thereunder, shall come into force with effect from 1 August 1965.

THE SCHEDULE

Serial No.	Design of the Standard Mark	Product/Class of Products to which applicable	No. & Title of Relevant Indian Standard	Verbal description of the design of the Standard Mark
		Domestic refrigerators (mechanically operated)	IS: 1476-1959 Specification for domestic refrigerators (mechanically operated)	The monogram of the Indian Standards Institution consisting of letters ISI drawn in the exact style and relative proportions as indicated in col—(2), the number designation of the Indian Standard being superscribed on the topside of the monogram as indicated in the design.

[No. MD/17:2.]

S.O.2515.—In pursuance of sub-regulation (3) of regulation (7) of the Indian Standards Institution Certification Marks) Regulations, 1955, as amended in 1961, 1962 and 1964, the Indian Standards Institution hereby notifies that the marking fee per unit for Domestic refrigerators (mechanically operated) details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1 August 1965.

THE SCHEDULE

Sl. No.	Product/Class of Products	No. and title of relevant Indian Standard	Unit	Marking Fee per Unit
1	2	3	4	5
1	Domestic refrigerators (mechanically operated)	IS:1476-1959 Specification for domestic refrigerators (mechanically operated)	One refrigerator	25 Paise per unit for the first 10000 units ; 20 Paise per unit for the 10001st to 25000 units ; 15 Paise per unit for the 25001st unit and above.

[No. MD/18:2.]

D. V. KARMARKAR, Joint Director (Marks).

MINISTRY OF STEEL AND MINES**(Department of Iron and Steel)***New Delhi, the 4th August 1965*

S.O. 2516/ESS.COMM/IRON & STEEL-2(c).—In exercise of the powers conferred by sub-clause (c) of Clause 2 of the Iron and Steel (Control) Order, 1950, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the Ministry of Steel Mines and Heavy Engineering No. S.O. 1525/Ess.Comm/Iron & Steel-2(c) dated the 29th April, 1964.

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, under 'OTHERS' the following entries shall be made in place of the existing entries at Serial No. 61.

SCHEDULE

1	2	3
61	(a) The Price and Accounts Officer, Office of the Iron and Steel Controller, Calcutta-1. (b) The Deputy Price and Accounts Officer, Office of the Iron and Steel Controller, Calcutta.	All clauses of the Iron and Steel (Control) Order. 15 and 27.

Below the existing entry at S. No. 74 the following entry may be added :—

75	Deputy Director (Admin.) Iron and Steel Control Office, Calcutta.	All clauses of the Iron & Steel (Control) Order.
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[No. SC(I)-2(1)/64.]

G. N. TANDON, Under Secy.

(Department of Mines and Metals)*New Delhi, the 4th August 1965*

S.O. 2517.—In exercise of the powers conferred by sub-section (2) of section 4 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952), the Central Government hereby appoints Shri R. K. Chatterjee, General Manager, Durgapur Steel Plant, Durgapur, as a member of the Coal Board with immediate effect and hereby makes the following amendment in the notification of the Government of India in the Ministry of Steel and Mines (Department of Mines and following item shall be added, namely:—

In the said notification, after item 6 and the entries relating thereto, the following item shall be added, namely:—

"7. Shri R. K. Chatterjee, General Manager,
Durgapur Steel Plant, Durgapur—Member".

[No. C-5-4(2)/63]

K. SIVARAJ, Dy. Secy.

MINISTRY OF COMMERCE**(Office of the Joint Chief Controller of Imports and Exports)****NOTICES***Calcutta, the 12th July, 1965*

S.O. 2518.—It is hereby notified that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India in the Ministry of Commerce propose to cancel licence No. P/SS/1517323/C/XX/19/C/C/18/AC-VII, dated 11th September, 1964 for Rs. 3375/- (Rupees Three thousand three hundred and seventy five only) for the import of Coloured Glass (opthalmic quality) without power from General Area except South and South West Africa granted by the Joint Chief Controller of Imports and Exports, Calcutta to

M/s. R. K. Industrial Corporation, 34, Belilious Road, Howrah, unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports, Calcutta, within ten days of the date of issue of this notice by the said M/s. R. K. Industrial Corporation, 34, Belilious Road, Howrah, or any Bank or any other party who may be interested in it.

It is reported that M/s. R. K. Industrial Corporation, 34, Belilious Road, Howrah in question have not been working for sometime. As such the Government of India in the Ministry of Commerce are satisfied that the licence will not serve the purpose for which it has been granted.

M/s. R. K. Industrial Corporation, 34, Belilious Road, Howrah, or any Bank or any other party who may be interested in the said licence No. P/SS/1517323/C/XX/19/C/C/18/AU-VII, dated 11th September, 1964 are hereby directed not to enter into any commitments against the said licence and to return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 78/63/I&L.]

S.O. 2519.—It is hereby notified that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India in the Ministry of Commerce propose to cancel licence No. P/SS/1542153/C/XX/20/C/C/19-20/AU-VII, dated 20th January, 1965 for Rs. 29,799/- (Rupees Twenty nine thousand seven hundred ninety nine only) for the import of (i) German Silver/ Nickel Silver Scraps (ii) Glare Proof coloured Glass (ophthalmic quality) without power (iii) Cellulose Acetate Butyrate Powder (virgin material and 1st quality standard product) from the General area except South and South West Africa granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. R. K. Industrial Corporation, 34, Belilious Road, Howrah, unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports within ten days of the date of issue of this notice by the said M/s. R. K. Industrial Corporation, 34, Belilious Road, Howrah, or any Bank or any other party who may be interested in it.

It is reported that M/s. R. K. Industrial Corporation, 34, Belilious Road, Howrah in question have not been working for sometime. As such the Government of India in the Ministry of Commerce are satisfied that the licence will not serve the purpose for which it has been granted.

M/s. R. K. Industrial Corporation, 34, Belilious Road, Howrah or any Bank or any other party who may be interested in the said licence No. P/SS/1542153/C/XX/20/C/C/19-20/AU-VII, dated 20th January, 1965 are hereby directed not to enter into any commitments against the said licence and to return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 78/63/I&L.]

S.O. 2520.—It is hereby notified that in exercise of the powers conferred by Clause 9 of the Imports (Control) Order, 1955, the Government of India in the Ministry of Commerce propose to cancel licence No. P/SS/1542658/C/XX/20/C/C/19-20/AU-VII, dated 1st March, 1965 for Rs. 6475/- (Rupees Six thousand four hundred and seventy five only) for the import of Drawing Dies from the General Area except South and South West Africa, granted by the Joint Chief Controller of Imports and Exports, Calcutta to M/s. R. K. Industrial Corporation, 34, Belilious Road, Howrah, unless sufficient cause against this is furnished to the Joint Chief Controller of Imports and Exports within ten days of the date of issue of this notice by the said M/s. R. K. Industrial Corporation, 34, Belilious Road, Howrah, or any Bank or any other party who may be interested in it.

It is reported that M/s. R. K. Industrial Corporation, 34, Belilious Road, Howrah, in question have not been working for sometime. As such the Government of India in the Ministry of Commerce are satisfied that the licence will not serve the purpose for which it has been granted.

M/s. R. K. Industrial Corporation, 34, Belilious Road, Howrah, or any Bank or any other party who may be interested in the said licence No. P/SS/1542658/C/XX/C/C/19-20/AU-VII, dated 1st March, 1965 are hereby directed not to enter into any commitments against the said licence and to return it immediately to the Joint Chief Controller of Imports and Exports, Calcutta.

[No. 78/63/I&L.]

P. K. GHOSH, Dy. Chief Controller
of Imports and Exports.

MINISTRY OF EDUCATION

ARCHAEOLOGY

New Delhi, the 2nd August, 1965

S.O. 2521.—Whereas the Central Government is of opinion that the archaeological site and remains specified in the schedule attached hereto is of national importance.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby gives notice of its intention to declare the said archaeological site and remains to be of national importance.

Any objection made within two months after the issue of this notification by any person interested in the said archaeological site and remains will be considered by the Central Government.

THE SCHEDULE

Sl. No.	State	District	Tehsil	Locality	Name of site	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
I	2	3	4	5	6	7	8	9	10	11
1	Andhra Pradesh	Krishna	Nandigalka	Munagacherla village	Ancient site and remains comprised in survey plot No. 37.	Survey plot No. 37	6.03 acres	<i>North</i> : Road <i>East</i> : Survey plot No. 38 and 40 <i>South</i> : Survey plot No. 40 <i>West</i> : Survey plot No. 36	Government	There is no modern structure on the site.

[No. F. 4-13/65. C. 1.]

New Delhi, the 3rd August 1965

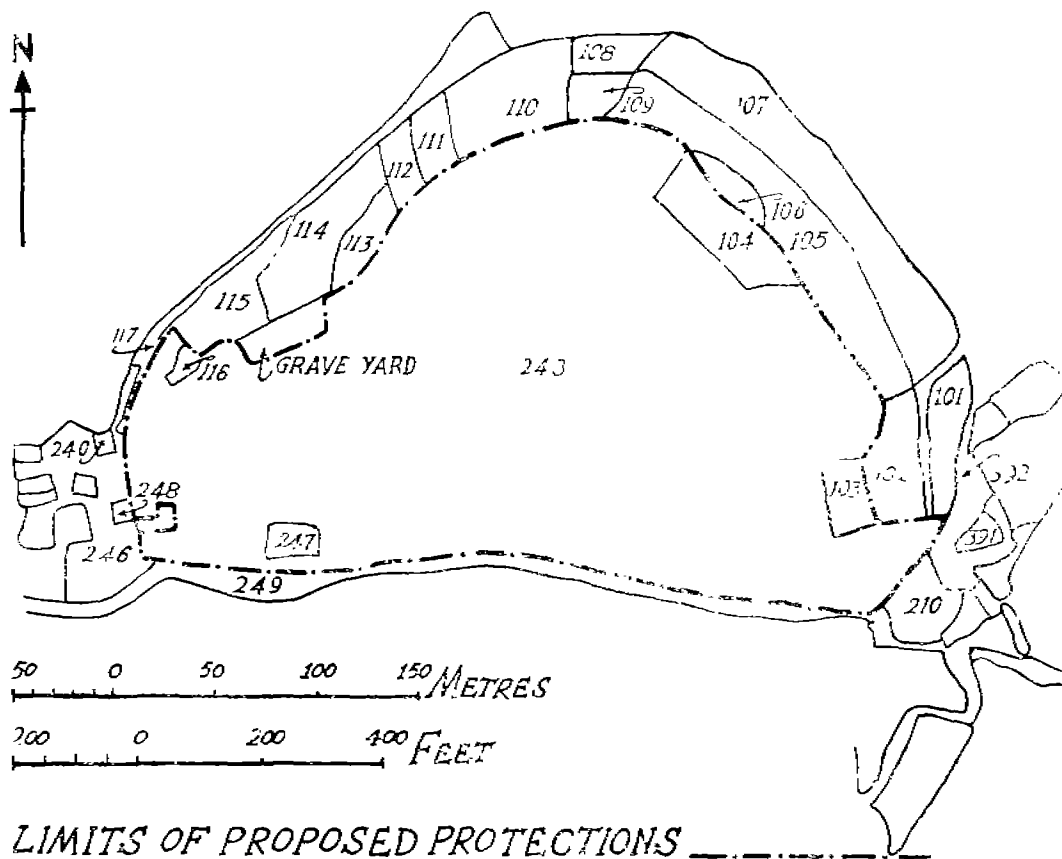
S.O. 2522.—Whereas by notification of the Government of India in the Ministry of Education F.4-32/64.C.1, dated the 6th November, 1964, published in Part II, Section 3, sub-section (ii) of the Gazette of India dated the 14th November, 1964, the Central Government gave notice of its intention to declare the archacological site and remains specified in the Schedule below to be of national importance.

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government, after considering the objections received by it, hereby declares the said archaeological site and remains to be of national importance.

THE SCHEDULE

Serial No.	State	District	Tehsil	Locality	Name of site	Revenue plot number to be included under protection	Area	Boundaries	Ownership	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Jammu and Kashmir	Srinagar	Srinagar	Burzahom	Ancient site and remains comprised in survey plot Nos. 103, 104, 116, 247 and part of survey plot No. 248.	Survey plot Nos. 103, 104, 116, 247 and 248 as shown in the plan reproduced below.	121 Kanals and 2½ Marlas.	<p><i>North</i> : Survey plot Nos. 105, 106, 109, 110, 111, 112 and 113.</p> <p><i>East</i> : Survey plot Nos. 101, 102, 392 and 210.</p> <p><i>South</i> : Survey plot No. 249.</p> <p><i>West</i> : Survey plot Nos. 115, 117, 246 and remaining portion of survey plot No. 248.</p>	Survey plot Nos. 248 and 116—Shamalat Deh and remaining under private ownership.	

SITE PLAN OF ANCIENT MOUND AT BURZAHOM



LIMITS OF PROPOSED PROTECTIONS

DEPARTMENT OF COMMUNICATIONS**(Office of the Director General Posts and Telegraphs)***New Delhi, the 7th August 1965*

S.O. 2523.—In exercise of the powers conferred by sub-section (3) of section 1 of the Telegraph Wires (Unlawful Possession) Act, 1950 (74 of 1950), the Central Government hereby appoints the 1st September 1965 as the date on which the said Act shall come into force in the Union territory of Dadra and Nagar Haveli.

[No. 20-42/65-NM.]

C. K. REDDI,

Dy. Chief Engineer (Maintenance).

MINISTRY OF REHABILITATION**(Office of the Chief Settlement Commissioner)***New Delhi, the 31st July 1965*

S.O. 2524.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of U.P. for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons Compensation and Rehabilitation Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

A SCHEDULE

All properties in the State of U.P. which have vested in the Custodian under section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officers under the provisions of the said Act upto 30th June 1965 and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Officers.

[No. 2(21)/Comp. & Prop/61.]

S.O. 2525.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of Punjab for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

THE SCHEDULE

All properties in the State of Punjab which have vested in the Custodian under Section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act upto 30th June 1965 and in respect of which no appeals have been filed and if filed, have been rejected by the Appellate Officer concerned.

[No. 16(18)/58-Prop.II.Comp.]

New Delhi, the 3rd August 1965

S.O. 2526.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the States of Delhi, Madhya Pradesh, Bihar and Orissa for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

A SCHEDULE

All properties in the States of Delhi, Madhya Pradesh, Bihar and Orissa, which have vested in the Custodian under section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act upto 30th June 1965 and in respect of which no appeals have been filed, and if filed, have been rejected by the Appellate Officer,

[No. 22(14)/Comp. & Prop/61.]

S.O. 2527.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the State of Rajasthan for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

A SCHEDULE

All properties in the State of Rajasthan which have vested in the Custodian under section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act, upto 30th June 1965 and in respect of which no appeals have been filed and if filed, have been rejected by the Appellate Officer.

[No. 22(13)/Comp. & Prop/61.]

S.O. 2528.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the schedule hereto annexed in the States of Gujarat, Maharashtra, Andhra Pradesh, Madras, Mysore and Kerala for a public purpose being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons.

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires the evacuee properties specified in the schedule hereto annexed.

A SCHEDULE

All properties in the State of Gujarat, Maharashtra, Andhra Pradesh, Madras, Mysore and Kerala which have vested in the Custodian under section 11 of the Evacuee Interest (Separation) Act, 1951, as a result of adjudication by the Competent Officer under the provisions of the said Act upto 30th June 1965 and in respect of which no appeals have been filed and if filed, have been rejected by the Appellate Officer.

[No. 1(27)/Comp. & Prop/61.]

M. J. SRIVASTAVA,

Settlement Commissioner & *Ex-Officio* Under Secy.

(Office of the Regional Settlement Commissioner)

ORDER

Bombay, the 6th August 1965

S.O. 2529.—In exercise of the powers conferred upon me by Sub-Section (3) of Section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, I, J. S. Bajaj, Regional Settlement Commissioner, Bombay, hereby delegate my powers of the Settlement Commissioner for hearing and deciding appeals, which are entertainable by me under Section 22 of the said Act, to Shri Tikamdas Gehimal, Assistant Settlement Commissioner.

[No. F.29(2)/Admn/54814/65.]

J. S. BAJAJ,

Regional Settlement Commissioner, Bombay.

DEPARTMENT OF SOCIAL SECURITY*New Delhi, the 4th August 1965*

S.O. 2530.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 15th day of August 1965, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and Sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas of the State of Maharashtra, namey:—

- I. The limits of the Poona Municipal Corporation;
- II. The limits of the Poona Cantonment Board;
- III. The limits of the Kirkee Cantonment Board;
- IV. Extended limits of Poona Municipal Corporation comprising the revenue villages of:
 - (a) Dhanori;
 - (b) Lohagaon;
 - (c) Vadagaon;
 - (d) Sheri;
 - (e) Hadapsar;
 - (f) Kondhwa Khurd;
 - (g) Dhankwadi;
 - (h) Hingne Budruk;
 - (i) Kothrud Dapodi;
 - (j) Pashan;
 - (k) Kalas;
 - (l) Katraj
- V. The revenue villages of Chinchwad, Pimpri Wagheri, Loni Kalbhor and Bhosari.

[File No. 13(25)/65-HL.]

New Delhi, the 6th August 1965

S.O. 2531.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 3378, dated the 27th November, 1963, the Central Government hereby appoints Shri Hema Chandra Mahapatra to be an Inspector for the whole of the State of Orissa for the purposes of the said Act and of any Scheme framed thereunder, in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oil-field or a controlled industry.

[No. 20(63)/64-PF-I.]

DALJIT SINGH, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING**CORRIGENDUM***New Delhi, the 30th July, 1965*

S.O. 2532.—In the Schedule in S. No. 1 under the Col. "Length 35 mm" in this Ministry's S.O. No. 2314, dated the 14th July, 1965 appearing in the Gazette of India, Part II, Section 3, Sub-Section (ii) No. 30 dated the 24th July, 1965 for the existing entry "52 M" please read "252 M".

[No. 24/1/65-FP App. 1009.]

G. S. GUPTA, Dy., Secy.

MINISTRY OF LABOUR AND EMPLOYMENT*New Delhi, the 3rd August 1965*

S.O. 2533.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the Industry/West Ena Colliery, P.O. Dhansar District Dhanbad and their workmen, which was received by the Central Government on the 27th July, 1965.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD**

In the matter of a Reference under Sec. 10(1)(d) of the Industrial Disputes Act, 1947.

REFERENCE No. 48 of 1965

PARTIES:

Employers in relation to the Industry/West Ena Colliery, P.O. Dhansar (Dhanbad) and their workmen.

PRESENT:

Shri Raj Kishore Prasad, M.A., B.L.—*Presiding Officer.*

APPEARANCES:

For the Workmen—Shri Sibani Bhuia, workman concerned and Shri Lala B. P. Sinha, Branch Secretary, Colliery Mazdoor Sangh, Industry/West Ena Branch.

For the Employers—Sri K. V. Ayyar, Group Welfare Officer, of the Company.

STATE: Bihar.

INDUSTRY: Coal.

*Dated, Dhanbad, the 6th July 1965***AWARD**

By its Order No. 2/32/65-LR-II, dated the 1st April, 1965, the Government of India, Ministry of Labour & Employment, referred under Section 10(1)(d) of the Industrial Disputes Act, 1947, for adjudication to this Tribunal, an industrial dispute existing between the employers in relation to the Industry/West Ena Colliery, P.O. Dhansar Dist. Dhanbad and their workmen in respect of the matters specified below:

“Whether the action of the management of the Industry/West Ena Colliery in not providing work to Shri Sibani Bhuia, Coal Cutter, with effect from the 7th July, 1964 was justified? If not, to what relief is the workman entitled?”

2. On 5th July, 1965 both the parties filed a joint petition of compromise dated 5th July, 1965, signed by Shri Lala B. P. Sinha, Branch Secretary, Colliery Mazdoor Sangh, Industry/West Ena Branch, on behalf of the concerned workman and by Shri N. Sar, Manager, Industry/West Ena, Dhansar, setting out the terms of the compromise and prayed that an award in terms thereof be passed.

3. According to the compromise the management, as a matter of good will to the recognized union, agreed to pay a lump sum of Rs. 500/- only to Shri Sibani Bhuia, the workman concerned, in full and final settlement of all his claim arising for non-provision of any employment and this amount is to be paid to the said workman, Shri Sibani Bhuia in the presence of the Branch Secretary of the Colliery Mazdoor Sangh, Industry/West Ena Branch.

4. The aforesaid sum of Rs. 500/-, however, was paid to-day (6th July, 1965) in presence of the Tribunal by Shri K. V. Ayyar, on behalf of the management, in presence of Shri Shankar Bosc, representative of the Colliery Mazdoor Sangh, and Shri Lala B. P. Sinha, Branch Secretary, Colliery Mazdoor Sangh, Industry Ena Branch.

5. I have read and considered the terms of the compromise and, in my opinion, in the circumstances mentioned in the petition of compromise, the terms appear to be reasonable and in the interest of both the parties, in view of the fact that the workman concerned has lost one eye and has medically become unfit to work in the mine. I, therefore, accept the compromise and record it.

6. The Reference is accordingly disposed of in terms of the compromise which is marked Annexure 'A' and an award is passed in terms of the compromise petition, Annexure 'A' which is made a part of this award.

7. This is the award, which I make and submit to the Central Government.

(Sd.) RAJ KISHORE PRASAD,

Presiding Officer.

DHANBAD,

Dated, the 6th July, 1965.

ANNEXURE "A"

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

In the matter of an Industrial Dispute in Industry/West Ena Colliery over non-provision of work to Shri Sibbon Bhuiya, Coal-Cutter, with effect from 7th July, 1964,

AND

Reference No. 2/32/65-LR II, dated 1st April, 1965 referring the said dispute to the Hon'ble Central Government Industrial Tribunal, Dhanbad, for adjudication,

BETWEEN

The Management of Industry/West Ena Colliery,

AND

Their Workmen.

May it please the Hon'ble Tribunal,

1. Since failure of conciliation was reported by the Conciliation Officer (Central), Verification, to the Government *vide* his letter No. D-149/1(447)/64, dated 8th March, 1965, the parties to the dispute rediscussed the dispute and compared evidence on either side.

2. The Branch Secretary adduced fresh evidence which supported the Union's view that the disability was sustained in and arising out of employment.

3. The management, therefore, agreed to give the benefit of doubt to the workman and has recommended to their Insurers, through the Calcutta Claims Bureau, to expeditiously settle the claim as one to be legally met under the Workmen's Compensation Act, 1923.

4. Parties agree that in the circumstances of the workman's loss of eye and his consequent medical unfitness, it could never have been possible to employ him suitably in the mine after his discharge from the Central Hospital particularly in view of the severe restrictions on his place of employment stipulated in his Discharge Certificate.

5. However, without prejudice to the above position and as a matter of goodwill towards the recognised Union, Management has agreed to pay a lump sum of Rs. 500/- (Rupees Five Hundred) only to Shri Sibbon Bhuiya in full and final settlement of all his claims arising from non-provision of employment and this amount will be paid to Shri Sibbon Bhuiya in the presence of and witnessed by the Branch Secretary of Colliery Mazdoor Sangh, Industry/West Ena Branch.

6. Since the entire dispute has thus been amicably resolved, parties most respectfully pray to the Hon'ble Tribunal that an Award may please be passed in terms of and approving this settlement.

For which act of kindness the parties shall ever pray.

For the Workmen

(Sd.) LALA B. P. SINHA,

Branch Secretary,
Colliery Mazdoor Sangh, Industry/West
Ena Branch.

For the Management

(Sd.) N. SAR,

Manager,
Industry/West Ena Colliery,
(Dhansar).

[No. 2/32/65-LR II.]

S.O. 2534.—In exercise of the powers conferred by sub-sections (1) and (2) of section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes a Labour Court with headquarters at Madras for the adjudication of industrial disputes relating to any matter specified in the Second Schedule to the said Act and for performing such other functions as may be assigned to it under the said Act, and appoints Shri M. Sriramamurty as the Presiding Officer of that Court.

[F. No. 1/58/65 LRI.]

New Delhi, the 4th August 1965

S.O. 2535.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad, in the industrial dispute between the employers in relation to the Belampalli Division, Tandur Collieries, Singareni Collieries Company Limited, Belampalli P.O. Andhra Pradesh and their workmen which was received by the Central Government on the 26th July, 1965.

**BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH,
HYDERABAD**

PRESENT:

Dr. Mir Siadat Ali Khan, M.A., LL.B., Fazel (Osm); B.C.L., (Oxon); D.Phil., (Oxon); Bar-at-Law; (Lincoln's Inn) (London); Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 56/1964

BETWEEN

Workmen of Singareni Collieries Company, Limited, Belampalli.

AND

The Management, Singareni Collieries Co., Ltd., Belampalli.

APPEARANCES:

Sri K. Satyanarayana, Advocate, *for the workmen.*

Messrs. P. Sithapati, Advocate, and Shyam Mohan, Personnel Officer, Singareni Collieries Co. Ltd., *for the Management.*

AWARD

By the Government of India, New Delhi's Letter No. 7/15/64-LR II. dated 4th December 1964, the Industrial dispute between the employers of the Belampalli Division, Tandur Collieries, Singareni Collieries Company Limited and their workmen was referred for adjudication with the following issues framed in the Schedule:—

"1. Having regard to the nature of duties actually performed by Shri D. Suryanarayana, Clerk of Engineering Department, Belampalli, Tandur Collieries, Singareni Collieries Co., Ltd., whether the management is justified in not allowing to him the grade I clerical scale of Rs. 70—5—90—6—102—EB—8—158 as Senior Clerk?

2. If not, to what relief is the workman entitled and from what date?"

2. The reference was registered here as industrial dispute No. 56/1964. Parties filed their claims and counter statements and adduced a few witnesses and some documents. I have heard the arguments of the representatives of the parties and proceed to pass the award below:

3. Having regard to the words of the issue, I have to consider whether D. Suryanarayana is actually performing the duties of a senior clerk. This workman has come into the witness box and has deposed that he is performing this work from 1958 in the vacancy created by Khader Khan and Venkateswarlu. They were office assistants in the grade of 125—300/-. He has stated that three clerks work under him. He supervises their work. The Divisional Engineer endorses the papers to him by name, he distributes them to the clerks, direct them orally as to its disposal and scrutinises the notes they put and, if the notes are not in order, direct them to write again. He has deposed further that he prepares the weekly statement of work of the entire office of the divisional engineer and he also has been authorised and is conducting the enquiries into the misconduct of workmen and clerks. As against him, the Divisional Engineer, Sri J. D. Talati, has deposed and stated that he is just a clerk like the other three

clerks. Papers are distributed by him and not by D. Suryanarayana; that D. Suryanarayana is just a dock clerk and attends also to leave with pay and railway fare work. The employer's own witnesses stated that the dock work is done by Adinarayana and not by D. Suryanarayana. Similarly, the work of attending to leave with pay petitions and railway fares matters is done by Davood, another clerk and employer's own witness. In fact, it is clear from the deposition of the Divisional Engineer that he has been shaken in cross-examination on more than one points in respect of the work of D. Suryanarayana. He has admitted in cross-examination that D. Suryanarayana prepares the weekly statement of the entire office under him. He stated also that daily allocation registers are prepared by the concerned clerks and D. Suryanarayana checks them. Similarly, he stated that D. Suryanarayana inquires into the misconduct of the clerks of his office. But after making both these statements he denied them in the next breath. He was shown records of several enquiries conducted by D. Suryanarayana on the misconducts of Jaya, Allambi, D. Alexander, Mehboob and Durgiah, Muzdoors, fitters and so on, and he had to admit that D. Suryanarayana did conduct them. In cross-examination he had to concede also that D. Suryanarayana prepares the monthly statement of work and monthly musters of the salaries of the staff and also that while the clerk Mubasher-uddin, Davood and Adinarayana look after the mechanical section and the power house and the electrical sections and the despatch work respectively, no particular section is given to D. Suryanarayana. The inference from this allocation was also put to him that, therefore, D. Suryanarayana is incharge of all sections, and he denied it. However, it is evident that in the face of his above-stated admissions, the denial cannot be accepted as correct. W.W.2 has deposed in support of D. Suryanarayana's deposition that he is the senior clerk and distributes work to the other clerks and scrutinises their work and also conduct enquiries.

4. On a careful consideration of the entire record, I am quite clear that D. Suryanarayana is actually doing the work of a senior clerk. Even so, he is put into the same grade as the other clerks working with him and under him. The contention of the representative of the employers, Sri Seetapathi, that D. Suryanarayana has deposed to doing the work of an office assistant but has claimed only the next higher grade of 70—158, suggesting that by the modest demand the allegation that he is doing the higher work of an office assistant is belied. In my opinion, it does not follow. The record shows that the demand has been delimited by the union and D. Suryanarayana has himself deposed to that that was so. Similarly, he has argued that D. Suryanarayana has deposed that he is doing the assistant's work from 1958 but has claimed the grade from 1960. This again, according to him, belies his claim. I do not agree. It was urged further that D. Suryanarayana is a non-matriculate. It is evident, however, that in the Singareni Collieries so many non-matriculいたes are given grades much higher than the 152 grade under consideration. Thus, considering the record carefully, I am of the opinion that D. Suryanarayana, having regard to his actual work, is performing the duties of senior clerk and, therefore, the grade prayed for, Rs. 70—158, may be conferred upon him. I direct the same and direct further that the grade should be given to him from 2nd April, 1964 the date on which the Conciliation Officer was moved.

Award accordingly, given under my hand and the seal of the Court, this the 22nd Day of July, 1965.

M. S. ALI KHAN,
Industrial Tribunal.

List of Witnesses examined for

Workmen:

W.W.1: D. Suryanarayana.
W.W.2: Mubasheruddin.

Management:

M.W.1: J. D. Talati.
M.W.2: Syed Davood.

List of documents exhibited for:

Workmen:—

Ex.W1: Letter from the Engineer In-charge, Tandur Collieries dt. 4-3-57 addressed to Mr. Khadir Khan, Office Assistant, Engg. Department.
Ex.W2: Letter from M. Jaya (Mazdoor) dt. 15-9-63 addressed to the Dvl. Engineer, Balampalli Dvn.

- Ex.W3: A file containing a bunch of 28 papers, to show that Suryanarayana has conducted enquiries.
- Ex.W4: Letter dt. 23rd August 1963 from D. Suryanarayana addressed to the Agent, Belampalli Division, praying for change of grade from IInd to IIId.
- Ex.W5: Letter dt. 26-10-63 from the President of the Union to the Labour Inspector (C) Kothagudium Collieries P.O.
- Ex.W6: Letter dt. 2-4-1964 —do—
- Ex.W7: Letter No. KG Con 1 (1)/63-127 dt. 31-3-1964 from the Labour Inspector, Kothagudium to the Genl. Secretary of the Union, Belampalli.
- Ex.W8: Letter No. 7/15/64-LR.II, dt. 20th May 1964 from the Ministry of Labour & Employment, Govt. of India addressed to the Genl. Secretary of the Tandur Coal Mines Labour Union, Belampalli.

Management:—

- Ex.M1: Letter dt. 8-10-59 from the General Manager of the Singareni Collieries Co. Ltd., addressed to the Agent, Tandur Collieries.
- Ex.M2: Letter dt. 21/24-11-58 from the Genl. Manager of the Singareni Collieries Co. Ltd., addressed to Sri Mir Abdul Khadir Khan, Howrah.
- Ex.M3: Register of persons employed above-ground.
- Ex.M4: Registers of persons employed above-ground (surface).
- Ex.M5: Registers of persons employed above-ground.
- Ex.M6: Identity and service card of D. Suryanarayana.

M. S. ALI KHAN,
Industrial Tribunal.
[No. 7/15/64-LR-II.]

ORDERS

New Delhi, the 4th August 1965

S.O. 2536.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Digwadih Colliery of Messrs Tata Iron and Steel Company Limited (Jamadoba, Post Office Jealgora District Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Digwadih Colliery of Messrs Tata Iron and Steel Company Limited were justified in suspending Shri Brijnarayan Singh, C.R.O. Labour, for 10 days with effect from the 1st March, 1965? If not, to what relief is the workman entitled?

[No. 2/63/65/LR.II.]

New Delhi, the 6th August 1965

S.O. 2537.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Jitpur Colliery of Messrs. Indian Iron and Steel Company Limited, (Post Office Bhaga, District Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of the Jitpur Colliery of Messrs. Indian Iron and Steel Company Limited was justified in terminating the lien of Shri Jalaluddin on the post of Miner, and causing a break in his service from the 14th September, 1963 to the 6th October, 1963? If not, to what relief is the workman entitled?

[No. 2/30/65-LR.I.]

S.O. 2538.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Ena Colliery of Messrs North West Coal Company Limited (P.O. Dhansar, District Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

(1) Whether the action of the management of the Ena Colliery of M/s. North West Coal Company Limited in terminating the service of Sri Ali Hussain, Pump Khalasi, with effect from the 17th October 1964 was legal and justified?

(2) If not, to what relief is the workman entitled?

[No. 2/23/65/LR.II.]

S.O. 2539.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Pure Kustore Colliery, P.O. Kusunda (Dist. Dhanbad) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

(1) Whether the management of the Pure Kustore Colliery of Messrs. Pure Kustore Colliery Company Limited, Post Office Kusunda (District Dhanbad) were justified in terminating the lien on the appointment of Shri Palu Chamar, Miner, No. 4 Pit and placing his name in the Badli List with effect from 17th April, 1965?

(2) If not, to what relief is the workman entitled?

[No. 2/76/65-LR-II.]

S.O. 2540.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Parascole Colliery, P.O. Kajoragram, District Burdwan and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Parascole Colliery in dismissing their workman Shri Kartick Singh, Underground Trammer from service with effect

from 12th December, 1964 was justified? If not, to what relief is the workman entitled?

[No. 6/42/65/LR-II.]

New Delhi, the 9th August 1965

S.O. 2541.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Dalmia Dadri Cement Limited, Charkhi Dadri, Punjab and their workmen employed in Kankar quarries in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri Kundan Lal Gosain shall be the Presiding Officer, with headquarters at Chandigarh and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE

Whether the termination of services of the following workmen with effect from the 10th November, 1963 was justified? If not, to what relief are they entitled?

- (1) Shrimati Naraini, Wife of Sobha.
- (2) Shrimati Mohani, Wife of Bhura.
- (3) Shrimati Gyarsi, Wife of Hanuman.
- (4) Shrimati Patasi, Wife of Mani Ram.

[No. 36/2/65-LRI.]

H. C. MANGHANI, Under Secy.

New Delhi, the 4th August 1965

S.O. 2542.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Andhra Pradesh, in the industrial dispute between the employers in relation to the Visakhapatnam Port Trust and their workmen, which was received by the Central Government on 22nd July, 1965.

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD

PRESENT:

Dr. Mir Siadat Ali Khan, M.A., LL.B., Fazel (Osm); B.C.L.; (Oxon); D. Phil., (Oxon); Bar-at-Law; (Lincoln's Inn) (London); Chairman, Industrial Tribunal, Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE No. 42/1964.

BETWEEN:

Workmen of Visakhapatnam Harbour & Port, Visakhapatnam.

AND

The Employers of Visakhapatnam Port Trust, Visakhapatnam.

APPEARANCES:

Sri M. V. Bhadram, President, The Visakhapatnam Harbour and Port Workers' Union Visakhapatnam.

Sri V. Jagannadha Rao, President, National Port Trust Employees' Union, Visakhapatnam.

Sri K. Srinivasa Murthy, Advocate, for the Employers.

AWARD

The industrial dispute between the Visakhapatnam Port Trust and the Visakhapatnam Harbour and Port Trust Workers' Union was referred by Government of India's Order dated 24th September 1964 under Section 10(2) of the Industrial Disputes Act XIV/1947. The parties framed issues and accordingly the Government published them in the Gazette and referred the dispute to me for adjudication. It

may be noted that the National Port Trust Employees' Union also applied for making it a party. After hearing all concerned and satisfying myself on the record produced that this Union also has an appreciable number of workers as members, I held that it was a proper party and made it so.

2. The reference was registered here as industrial dispute No. 42/1964. Parties were directed to file their respective written statements. They complied and also adduced several witnesses and numerous documents. I have now heard arguments and have carefully examined the copious record and proceed to pass the award below. As the issues referred are 44 I am reproducing them one by one below instead of setting them out all together.

3. Issue No. 1 is as follows:—

"Casual labour employed on maintenance work should be made permanent with effect from 1st April 1964 and no casual labour should be employed on maintenance work hereafter"

Before examining this issue on merit, I will decide an objection or two taken by the learned advocate for the employer. He has contended that as this is a reference under section 10(2) of the Industrial Disputes Act XIV/1947, the Tribunal has no power to decide anything incidental to the issues, for the reason that a reading of the entire section-10 will show that the power to decide incidental matters pertains only to a reference under Section 10(1)(d) and (c) and not under section 10(2). I am afraid I do not agree. The sub-section 10(4) of the Industrial Disputes Act, to the extent necessary for my purpose, is as follows:—

"Where in an order referring an industrial dispute to a Tribunal under this section, or in a subsequent Order, the appropriate Government has specified the points of dispute for adjudication the Tribunal will confine its adjudication to those points and matters incidental thereto."

It is evident that even though this reference is under Section 10(2), it is a reference 'under this section' and is sent to me for adjudication by an "order", to wit S.O. dated 24th September 1964, and as such I will have to confine adjudication to the points (or issues) specified by the Government and the matters incidental thereto. This will show that even in a reference under Section 10(2) the Tribunal has power to consider incidental matters. I hold accordingly.

3(1). Next the learned advocate for the employer objected to the wording of Issue No. 1. The wording of that issue being "that casual labour employed on maintenance should be made permanent". The learned advocate contended emphatically that under the decisions of the Supreme Court, for instance the decision in the case of Standard Vacuum Company, 1960(II) LLJ 233, the Tribunal is debarred from directing the employer to make the workmen permanent and, therefore, the order of reference is, to this extent, bad. He has contended also that in the claims statement the prayer is for making the workmen engaged on maintenance work permanent: the prayer is not that they should be made regular i.e., monthly paid. Hence, according to him, the prayer to make the workmen regular cannot be considered as a matter incidental to the issue which is clearly on making the workmen engaged on maintenance work permanent. I considered these contentions carefully. There are several cases including those of the Supreme Court, in which it has been laid down that an order of reference should not be canvassed too closely. There are also cases in which it is held that as the workmen are not adept in framing points at issue, the working of the issues, or, the pleadings may not be taken too literally. Considering all this, when I find from the record that all along the matter at issue between the employer and the workmen was only the regularisation of the casual labour and, in fact, the employers, following the recommendations of the Second Pay Commission and the Order of the Government by which they have directed it to be implemented, viz., Ex. M-39, it is obvious that what was intended was the regularisation of the casual labour only. My duty as an Industrial Tribunal is also to keep peace in the industry and, if, in the above context, when the intention of both the parties has all along been clear and what was in their contemplation was only regularisation, I will not be carrying out my duty if I uphold the contention of the learned advocate for the employer and, in the result, deny justice to the workmen. For these reasons, I shall consider the case on merit, taking the meaning of the word permanent as regularisation of the casual workers. I hold accordingly.

4. Passing on to Issue No. 1 for scrutiny on merit. It may be noted that Sri M. V. Bhadram, President of the Union has filed Ex. W-1 consisting of 3 parts. Part-I deals with the employees of Medical and Anti-malarial Superintendent Sections. It will be seen from Ex. M-14 that there 13 workmen in these sections. The Union admits that one has been made regular. Twelve have remained casual. M.W. 5 the Secretary of the Board has deposed that only four have remained casual and

the rest have been made regular. But his own deposition shows also that these workmen have been appointed in temporary vacancies only. As it appears that these workmen are engaged on maintenance work, I allow the request of the Union to make the remaining twelve workmen also regular. The record Ex. W.1 shows that they have been working for at least two years.

4(1). The second list of Ex. W-1 is in two parts. The first part is of 11 workmen of the Marine Foreman Section. It is said that all of them have been made regular. The second part is on the Floating Pipe Line Section in which 49 workmen are employed. Sri M. V. Bhadram has relied on Ex. M-56 and M-57 and has contended that, in the over-hauling and dry docking of dredgers, the average of the last 5 years has come to 277 days and that it is too long period to keep men as casual. He has, therefore, urged that they should be made regular. I am afraid I do not agree; for the reason that, M.W. 4 has stated clearly that the Port does not employ casual labour in dry docking, nor does it employ them for the regular over-hauling of dredgers or dry-docking. In view of this, Sri Bhadram's statement that during the last five years casuals have been employed on an average for 277 days cannot be taken to be correct. He has omitted to refer to the statement of M.W. 4 in his argument, nor, has he questioned him on this point in cross-examination. The only thing in Sri Bhadram's favour is that M.W. 4 has also stated in his deposition that there is over-hauling other than regular over-hauling. It was when he fitted two new boilers to a dredger and it was then only that the Port employed casual labour, but that this happened once in 30 years. Fitting of two new boilers to a dredger once in 30 years is an intermittent work and nothing can be based on it and the 165 casuals employed for the work cannot be directed to be made permanent/regular, as the work is already over. Moreover, M.W. 2, in his deposition; page 2, Place-B, has deposed that the pipe line floating work was a reclamation work and as such it was a project work. According to the recommendations of the Second Pay Commission even on project work, if casuals are employed for a long time, they should be made regular. Even so, under Issue I am bound by its wording and it is this that casuals employed on maintenance work should be made regular. As the workmen engaged on pipe floating were not engaged in maintenance work but were employed in project work, I cannot travel beyond the Issue and give any direction to regularize them. I, therefore, disallow this part of Issue No. 1.

4(2). About the Mechanical section, Sri Bhadram stated in argument that he lays score only on the workmen employed in boiler cleaning. He has contended that boiler-cleaning is a regular work and the workmen employed therein should be made regular. Sri V. Jagannadharao, the President of the National Port Trust Employees Union, has also emphasised the regularization of workmen engaged in this work. However, it is clear from the deposition of M.W. 4 that only boys are employed for boiler cleaning. The reason is that adults cannot do it as with their big bodies they cannot enter the boilers for cleaning them. He has also deposed that for cleaning the boilers the boys are employed only for 10 days in a month and the boys cannot be employed for any other work. There is no rebuttal. In these circumstances, I feel that boiler cleaning is purely a casual work and, therefore, I cannot agree with the Union Leaders. I cannot pass any order to make the boiler workers regular workers as they have no other work after 10 days in a month.

4(3). The third list of Ex. W-1 is on casual Tally-men numbering 81 and casual Khalasis totalling 145. The demand in respect of them is that 30 casual tally-men and 50 dock khalasis should be made regular. Ex. M-30 will show that 29 tally-men, 23 dock-khalasis and 15 marine khalasis have been made regular in 1962-63 and the demand is that 30 more casual tally-men and 50 more dock-khalasis should be made permanent. A scrutiny of the relevant record will show that the number of tally-men employed depends upon the arrivals of the ships which is a variable factor and, therefore, it is the contention of the employer that after the above-stated number of workmen he has made regular, it is not necessary to make any more workmen regular. I see no reason to disagree. Moreover, I am not sure that this is a maintenance work. Obviously it does not appear to be so and, therefore, under the Issue as framed I cannot go beyond it. This portion of the contention of the workmen is, therefore, rejected also.

4(4). It appears that in the Engineering department the Port has to maintain 40 miles of broad gauge and 5 miles of meter gauge lines. For this they employ seven gangs and, in addition, there are 9-10 gangs of casual workmen. The record also shows that for the seven gangs of regular workmen there are already seven regular key-men and four more key-men have been made regular. It is the contention of Sri Bhadram that, in every gauge there is one key-man, one mate and 15 workmen. He has contended that as four key-men have been made regular 60 casuals should also be made regular. In addition, he has contended that as one gang maintains only five miles of a railway out of the 45 miles of the railways and there are already 7 regular gangs two more gangs should be made regular. There

must be provision for leave and absence and, therefore, another gang should be made regular. On the above and the entire record my opinion is that there is a case for making three more gangs regular. My reasons are that out of the 115 gangmen shown in Ex. M-51, the employer's Schedule of Staff as on 31st December 1964, 75 are already permanent and only 40 are casuals. I hold also that even though the employer has made 4 key-men permanent, it does not necessarily follow that 60 gangmen should be made permanent or regularized. For, as the Engineer, M.W. 1, on page 7 place-B of his deposition stated that regular workmen supervise the work of casual workmen. No doubt Ex. M-14 shows that there are 210 casuals and M.W. 1 has admitted that altogether 307 casuals. But as Ex. M-14 shows 203 out of 210 are employed in capital works. Under Issue No. 1 I am concerned only with casual employed on maintenance work and they appear to be 40 only. I, therefore, direct that (3) gangs or 40 casual should be made regular. I do so as the maintenance of the railway lines is clearly a maintenance work and it appears that they have been engaged for over a year.

4(5). Sri Bhadram contended also that serial 6 of Ex. M-14 a maintenance work and 7 casual workmen have been employed on it. M.W. 1 page 5 place C has stated emphatically that they are not 7 now but only 5. Sri Bhadram has filed Ex. W-51 under his own signature and contend that there are 11 workmen working on that work and some of them are working from 1956. In these circumstances, Sri Bhadram's contention is that if the other six workmen are already made regular there is nothing more to be said. Otherwise, these six men and the five men admitted to be casual for a long time should be made permanent. As this appears to be a maintenance work, I direct that they should be made regular in the manner prayed for by Sri Bhadram in the above lines.

4(6). Sri Bhadram has referred also to serial 1 of Ex. M-14. It is on the construction of an additional berth. He has contended that at least 14 casual workmen have been working on it from October 1961 and, therefore, they should be made regular. In my opinion, the construction of an additional berth is a project work. It is not a maintenance work and, therefore, does not come under Issue No. 1 and I have no power to go beyond the issue. Hence, this portion of the claim is rejected also. In the result Issue No. 1 is decided partly in favour of workmen and partly in that of the employer.

5. Issue No. 2 is as follows:—

"The casual labour should be paid Rs. 3.50 Ps a day as wages and should be given 10 paid holidays in a year"

Sri Bhadram explained that by the casual labour here, casual tally-men are meant. The prop of this issue is that the work of the casual tally-men and that of regular tally-men is just the same and, hence, equal pay for equal work should be given. In my opinion, generally speaking, this is correct. But the record shows that the casual tally-men are given less responsible work and are employed on work of routine nature. It may be noted that M.W. 3 has deposed that they work on different points, where different forms are used and different cargoes are tallied, and, therefore, the casual tally-men have to learn work. It is true that, this witness had deposed also that some times casual tally-men have been posted on important import work, e.g., the import of cargoes from the Bhilai Steel Works. But, generally, casual tally-men are put on less responsible work and they have to learn work. The Second Pay Commission has, after explaining that the Minimum wages fixed by the Government are above the bare subsistence level and provide for the some modicum of comfort, directed that the workmen in such cases should be paid the minimum wages fixed by the Central Government, if the State Government's minimum wages are meagre. Ex. M-39, will show that the Government has directed also that if the minimum wages fixed by the State Government are more they should be paid. It is the deposition of the employer's witnesses that the wages fixed by the State Government is higher and they are paying them. It should be noted that tally-men are not specifically mentioned in Andhra Pradesh Minimum Wages Notifications, and, therefore, what the employer witnesses mean is that wages for work comparable to that of tally-men are paid. In these circumstances, I do not find any reason to interfere and enhance the wages of casual tally-men to the level of the wages of regular tally-men.

5(1). The second part of this issue is on the demand of 10 holidays to casual tally-men. Industrial Law does not favour enhancement of holidays, festival or otherwise. Instead of holidays, if possible, more wages should be paid. In the European countries and Great Britain and Australia, the number of bank holidays are not more than 3-4 and, in the Port casually tally-men as all other casual mazdoors are given four holidays. In my opinion, this is sufficient and, therefore, this part of the second issue is also disallowed.

6. Issue No. 3 is as follows:—

"The casual tallymen in traffic department should be paid Rs. 5.50 a day."

The contentions of Sri Bhadram in respect of these casual tally-men is, more or less, the same as his contention in respect of casual labour mentioned in Issue No. 2. The casual tally-men under consideration, here, are really like clerks. Even under the Minimum Wages Act different categories of clerks are given different wages, ranging between Rs. 62—Rs. 80/- per month. The Municipalities also are paying the same wages to the clerks. The employer is paying the tally-men similar wages. I do not see sufficient reason for interference. This issue is, therefore, rejected.

7. I pass on to Issue No. 4. It is as follows:—

"All categories of casual labour in the traffic department should be paid attendance allowance as is being done to the shore labour."

Much was said on both sides on this issue, but, in the end the learned advocate for the employer and the Secretary of the Board have stated that the casual labour is not required to give attendance three times a day. On this Sri Bhadram stated if it is so he does not press the issue. I decide this issue against the workmen on the above-mentioned statements.

8. Issue No. 5 is as follows:—

"Casual leave for a day or two should be granted and should never be rejected."

Sri Bhadram has left this issue to my decision. Hence I considered it carefully. On principle casual leave cannot be claimed as of right. The deposition of M.Ws. 1, 2, 3 show that normally casual leave is granted whenever prayed for. A workmen's witness deposed that casual leave is not granted even when it is prayed for on the ground of illness of the children, but, the same witness deposed also that he has enjoyed all the casual leave he was entitled to. On principle, the employer must have the right to refuse casual leave if the exigency of the work does not permit it. I cannot take away this right of the employer and I do not think that the record indicate that the employer is animated with any *mala fides*. I, therefore, disallow this issue.

9. Issue No. 6 is worded as follows:—

"The Fitters attached to the tugs should be designated as marine fitters and be given that scale of pay."

The scale of pay referred to is Rs. 110—200. This is the scale of marine fitters and the scale of pay of the general fitters, or, floating craft fitters is Rs. 110—180. As already stated, the demand is that the floating craft fitters are the fitters attached to the tugs and they should be designated as marine fitters and given the scale of Rs. 110—200/-. The deposition of M.W. 4 has shown that marine fitters' work is more responsible and more arduous. They have to repair dredgers while they are in operation. They work three shifts round the clock, whereas, the general fitters or fitters for the floating craft attached to them work in the general shift only from 7 A.M. to 4-30 P.M. and do the repairs while the tugs are tied to jetties and are not in operation. It is for this reason that in 1947 the Iyyangar's Committee prescribed lesser scale to general fitters when compared to marine fitters. It appears now that in addition to the general fitters the category of floating craft fitters has also come into existence after 1947. This was shown in the cross-examination of M.W. 4. However, on consideration, I find that the work of the general fitters and the fitters of the floating craft section is the same. They also work when the tugs are tied in the jetties; and they also work in the general shift only. So the difference in the work of the two kinds of fitters remains. It is for this reason they cannot be designated as marine fitters nor can be given the grade applied for. The issue is, therefore, not allowed.

10. Issue No. 7 which was as follows:—

"Uniforms should be supplied to seniors first. In other words, posting of persons to duty on drafts/plants etc. which carry more amenities should be on the basis of seniority".

has been given up.

11. Issue No. 8 is "cash value of uniforms not supplied since 1960 should be paid to the concerned employees" Sri Bhadram has claimed that supply of uniforms has become a condition of service. He appears to be correct, as there is a settlement (Ex. W-86) and in its paragraph 12 it is agreed that uniforms will be given regularly. It appears that uniforms were not given only in 1962 and 1963 and it was due to the Emergency created by the Chinese aggression on 20th

October 1962. The Port could not get the material needed, as it was utilised for supplying the jawans on the Himalayan heights and to keep them warm. On behalf of the employer it was contended and deposed to that in other major ports also arrears of uniforms are not paid and that even if there is a contract there is no contract to pay the cash value of the uniforms not supplied. On careful consideration, I feel that as the failure of the Port to supply uniforms was due to the Emergency and to sub-serve the needs of the jawans defending the country, the failure need not be stressed. This is without prejudice to Sri Bhadram's contention that he can move the payment of Wages Authority under section 32(c).

12. Issue No. 9 is as follows:—

"Marine survey staff should be supplied with woolen jerseys and mobile crane crew with woolen jerseys and rain coats."

According to this issue, marine survey staff are to be given woolen jerseys and the mobile crane people are to be supplied with woolen jerseys and rain coats. Regarding marine survey staff the stand of the workmen is that they come at 5 A.M. in the morning and stay during the entire night in the boats to keep guard on them. The employer's explanation is that the marine survey staff to whom the demand is related are either kalasis or those mazdoors who keep watch on the boats. Kalasis work from 5 A.M. to 1 P.M. only. At Visakhapatnam it is not so cold as to require woolen jerseys at that hour, and, regarding the mazdoors who guard the boats during the night, they are supplied with rain coats and it is enough for the reason that the boats are tied to the jetties. This is not the same-thing as going into the open sea. In the opinion of the management, even the construction of a shed over the boats in the jetties was not deemed necessary. Regarding mobile crane people M.W.4 has deposed that they do not work when it rains. Almost all the mobile cranes have cabins except one which has a tarpauline cover. This will show that the mobile crane crew work under cover. In the example of the lighter-men cited by Sri M. V. Bhadram, there is confusion between protective clothing and uniforms. The lighter-men are supplied with uniform. Here the demand is not for uniform. It is for protective clothing of woolen jerseys and rain coats. Ex.M-28 will show that in Madras, Kandla and Cochin woolen jerseys are not supplied to the crew under consideration. Having regard to this state of record, I am of the opinion that no case has been made out to allow the demand. It is, therefore, rejected.

13. Issue No. 10 reads as follows:—

"Disparity in leave rules between those appointed prior and posterior to 1st October, 1956 should be removed."

It should be noted that the Port was under the Railway Department of Government of India till 30th September 1956 and it used to give one day leave for 11 days work. From 1st October 1956 the Port was transferred to the administration of Ministry of Transport and that Ministry gave one day leave for 20 days work to the workmen of the work-shop and to some artisans. From 28th February 1964 the Port became a Corporation Trust Board, and under the Visakhapatnam Port Trust Employees Leave Regulations, the Port began again to give one day leave for 11 days work. Sri Bhadram wants that the leave record of all the workmen between 1st October 1956 and 29th February 1964 should be corrected and the leave calculated in accordance with 1/11 days and it should not be allowed to remain at 1/20 days. The same will appear from Ex.W-16 filed by Sri Bhadram. The employer has stated in the counter that under the Leave Regulations referred to above, all the employees are given an option to opt for any Leave Rules whether in force before 29th February 1964 or which came into force on 29th February 1964 and in view of this the reference is academic. When the employer concedes that the demand is met by the workmen exercising the option given to them I have nothing to add and, I decide this issue in favour of the workmen.

14. Issue No. 11 is as follows:—

"The period of availability of railway passes issued to eligible port employees should be as is done on railways and not limited to the period of leave granted."

The privilege of free railway passes is enjoyed by the workmen who were the employees of the Port on or before 30th September 1956 and it is a privilege peculiar to Visakhapatnam Port only. It is the contention of Sri M. V. Bhadram that in the Railways the practice was that the passes were made available for the full period of two months in the beginning and, subsequently it was extended to three months and the passes were never limited to the leave applied for by

the employee. It is his contention that this practice was notwithstanding the provision of paragraph 8 of Ex.M-7 page 82 wherein it is provided in specific words that "each pass should be made available for the period for which it is actually required". This means clearly that it should be made available for the period of leave applied for. The practice is claimed in the teeth of the provisions of the Indian Railway Carriage Association, Ex. W-7, referred to just now and, it is deposed to by W.W.1 and W.W.9. In view of these depositions I considered the merit of the question carefully. The hardship deposed by these witnesses is that if the leave is to be extended the pass will also have to be extended. In my opinion, this is no hardship as the leave will have to be extended and along with the application for extension of leave the petition for extension of the pass can also be sent. Another hardship is stated to be that family has to come back or return within the period of leave applied for and cannot stay for the entire period of availability of the pass. It is, therefore, clear that the only hardship is on the family. The question, therefore, comes to whether family when travelling with the employee was given a right to stay for the full period of three months. This privilege does not appear to follow from any of the words of Ex.M-7 paragraph 8. In my opinion, any practice directly contrary to the specific words of the provision cannot be allowed. I am, therefore, unable to agree to this demand.

15. Taking now Issue No. 12 it is in the following words:

"The age of superannuation of all the Port employees should be 58 years as recommended by the S.P.C. and extension of service could be only after that age."

W.W.1 has deposed that Calcutta, Kandla and Madras Ports have adopted the recommendation of S.P.C. and raised the age to 58 years. The recommendation to raise the superannuation age to 58 in Chapter 37 paragraph 20 pages 442 is quite clear. The Jute Board and the Sugar Board have also recommended the raising of the age of superannuation to 58 years. For these reasons I am also of the opinion that in the case of the workmen of the Port also the age of superannuation should be raised to 58 years and if the workman continues to be fit after attaining the said age he can be granted extension up to the age of 60. I hold accordingly and direct the same. This issue is decided in favour of the workmen.

16. Issue No. 13 is as follows:—

"The penalty of withholding of increment should not have the attendant effect of withholding of due promotion occurring during the period commencing from the date of orders withholding the increment."

Sri Bhadram has relied on C.C. & A. Rules, page 6, paragraph 3, and also on the recommendation of the Second Pay Commission on page 258 paragraph 2 and contended that stopping of increment and of promotion are two punishments. He has, therefore, argued that if the increment of a workman is stopped and during the stoppage the chance of promotion comes in and he is not promoted it is punishing him twice for one offence and this should not be allowed. Ex.M-8 is a letter of the Home Ministry. It is expressly provided in the first paragraph of this letter that in such a case the promotion of a workman whose increment has been stopped can be considered, but, he should not be promoted during the period of continuance of the stoppage of increment. It is, therefore, evident that when promotion is considered it is not giving two punishments for the same offence. The promotion is only stopped or delayed during the continuance of the stoppage of increment. This is obviously reasonable, for punishing a workman with the stoppage of increment and promoting him during its continuance will be incongruous. It should also be noted that promotion is not a matter of right. It depends upon work, efficiency and suitability. When a workman is punished with the stoppage of increment obviously these factors are not present and when they are not present there is no question of punishment by stopping of promotion. I disallow this demand.

17. Issue No. 14 was as follows:—

"Q-4 berth should be declared sick and completely removed immediately." It is given up by the workmen.

18. Issue No. 15 is that:—

"roster off should be introduced to the staff in Foreman Floating Craft (F.F.C) Section of the Mechanical Superintendent Department."

M.W.4 has stated only that it is not possible to introduce the roster off in the F.F.C. Section. He has given no reasons. In the counter of the employer it is stated that the workmen of this section belong to the operational staff and postings of atleast 10 crafts have to be done. It is for this reason not possible to give

a fixed day as an off day. The complaint of the workmen is that by not fixing the off-day the workman has some times to work for 12 days in a week. This has caused illness. It is not denied in the counter that some times the workmen have to work continuously atleast for 10 days. Workmen witnesses 2 and 4 have deposed that they get off-day every 7th day and M.W.4 has also deposed that for the last 2 or 3 months a fixed off-day is being tried in the mobile crane section. Considering all this I feel that as continuous work for 10 or 12 days is not desirable as it impairs efficiency and as at least in one section viz., mobile crane section the giving of a fixed off-day is being tried the same can also be tried in the remaining two sections of the Mechanical Superintendent Department, viz., the electric crane section and the floating craft section. It is also evident that it is possible to give an off-day on the 7th day. This will be seen from the evidence of W.W.2 and W.W.4, as I have already stated above. Considering all this I am of the opinion that a fixed off-day can be introduced in the above-stated two sections and the employer should do it. This issue is decided in favour of the workmen.

19. Issue Numbers 16 and 17 are not pressed and, therefore, decided against the workmen. They were as follows:—

"16. Port quarters should be white washed once in a year irrespective of emergency or Ban."

"17. In the promotion from greasers to Boiler Washout Tindel F.F.C. section of M.S. Department senior greasers were over-looked. This should be rectified."

20. Issue No. 18 is to the following effect:—

"The crew on floating pipe-line and dredgers should be provided with uniforms."

The uniforms are demanded for the said crew as water is splashed in the operation involved and their clothings are soiled. Also for the reason that the crew should have a smart appearance. The stand of the employer as stated by M.W.2 is that, both the crews under consideration do not come in the eye of the public and as uniforms are supplied to give a smart appearance, in their cases uniforms are not necessary. To establish that in the pipe-line floating and dredging water and mud is splashed W.W.2 has deposed. He is a winch-man. He has deposed that he also repairs the pipe-lines and does the oiling and thus soils his clothes. However, he was shaken in cross-examination as he admitted that the repairs are done by the fitters and oiling by the greasers. M.W.2 has expressed surprise that a winch-man's clothing is spoiled by the splashing of water or mud. He has deposed on page 7 that such a thing has never been seen or heard of. On consideration, I feel that having regard to the nature of the operations viz., pipe-line floating and dredging it is inevitable that the crew, if not a winch-man, will receive some doses of splashing of water and of mud. This will indicate that some clothing is required—two pairs of pants and jumper are demanded. However, what is demanded in the issue is uniform and uniforms are ruled out for the reason that the crew under consideration are not in the public eye. The pants and jumpers are also not required for the reason that the employer is giving them woollen jerseys and rain coats. It is clear that clothings are protected by the use of woollen jerseys. They do not absorb water. For all the above reasons this issue is decided against the workmen.

21. Issue No. 19 is:—

"For work done on a holiday or weekly-off, employees should be paid double the normal wages in addition to that day's wages when alternative day off is not given."

The demand comes to this that if a worker is required to work on a holiday or his off-day he must be paid in addition to the one wage of the holiday or the off-day two more wages. The prop of this demand is that paragraph 253 of the Appellate awards, Ex.M-3, and the recommendation of the Officer on special duty were considered by the Government and the order that was issued by the Government in Ex-M-46 clearly gives 2 + 1 wages for the work under consideration. I have considered Ex.M-46 and the paragraph 253 of the Appellate Award, Ex.M-3. I do not agree that they indicate 2 + 1 wages. Ex.M-3 is dated 17th July 1958. More than 13 months afterwards Ex. M-46 was issued in August 1959. There it is clearly prescribed that if no off is given the workman is to get double his normal wage. This only means two wages and where an off is given, it is also stated in both places, i.e., the Appellate Award and the Government Order, Ex.M-46, only an extra half day's wages are to be given. The same has been held by the Labour Appellate Tribunal in Premier Automobiles Ltd., v.

Their workmen, 1956 (II) LLJ 518, paragraph (9) and what is more even the demand of the workers there was that much alone. On careful consideration of the wording of these exhibits, I am quite clear that they are consistent and do not support the workmen's contention. Of course the case of over-time is different. If a worker who has worked 56 hours in a week and if he is required to work on his rest day or a holiday over-time is given to him and as has been deposed to by M.W.5, the Secretary of the Port, that in that case the workmen get not only $2 + 1$ but $2 + 2 = 4$ wages. In the result this issue is decided against the workmen.

22. I pass on to Issue No. 20. It is as follows:—

"Piece rate scheme should be introduced to all categories of Port employees connected with loading and un-loading of cargoes."

The basis of the demand under consideration *viz.*, that all categories of workmen connected with loading and unloading should be put on piece-rate is that the Stevedores and ore-handling labour who also do loading and unloading have been put on piece-rate. This has resulted in enhanced work-load on the workmen of electrical crane, mobile crane, floating crane, quay-workmen, loco-men, tally-men, tally-clerks, both regular and casual. It is, therefore, obvious that they should also be given piece-rate. The stand of the employer is that the stevedores and ore-handling labour are governed by the de-casualisation scheme. They are given only the wages on the days they work. The workmen enumerated above are monthly paid workmen and enjoy retirement benefit. Their scales are those fixed by the C.C.C. The C.C.C. has not recommended for them piece-rate. Such a demand was not even put up before the C.C.C. M.W. 5 has deposed that if the workmen under consideration are brought under the piece-rate system, there is the danger that with the motive of earning more wages they may cause loss to valuable machinery which they handle. That appears to be a good reason. It is clear from the contention of Sri M.V. Bhadram, the learned President of the Union, that what he really wants is that the workmen under consideration should be retained as daily-rated monthly paid workmen and in addition piece-rate system should also be introduced. I carefully considered his contention. As argued by the learned advocate of the employer the wording of issue No. 20 is not capable of such an interpretation. Moreover, there is no record adduced as to the normal standard of work that a daily-rater should do in eight hours. There is also no evidence as to how much above that normal standard is done on piece-rate. To determine this job valuation and work-study would be necessary. There is no such material placed before me to take a decision as is desired by Sri Bhadram. He has contended that page 724 of Ex. M-3 says that the Government have approved of the introduction of piece-rate. I have perused this citation. There it is only stated that "the Government of India agree that the feasibility of payment by results should be examined with expedition." Moreover, it does not indicate that piece-rate should be introduced in all cases irrespective of consideration governing a case in hand and, as stated there is no evidence on job valuation or work-study before me and I, therefore, cannot apply the principle of piece-rate to the categories under consideration. Besides, there appears to be no reason to differ from the scales prescribed by the C.C.C. and S.P.C. In the result, this issue is also decided against the workmen.

23. Issue No. 21 is as follows:—

"Port work-shop shift duty hours should be altered so as night duty does not go beyond 12 midnight".

It is given up.

24. I pass on to Issue No. 22. It is as follows:—

"The S.P.C. scales of Rs. 130—5—175—EB—6—205—7—212 corresponding to the C.C.C. scale of Rs. 80—160 should be altered to be Rs. 130—5—170—EB—8—210 which is the S.P.C. equivalent to the scale of Rs. 80—160, pre-C.C.C. scales."

The Pre-C.C.C. scale was Rs. 80—160 and the C.C.C. scale corresponding to it was Rs. 130—212. The S.P.C. equivalent to pre-C.C.C. scale of Rs. 80—160 was Rs. 130—210 and the S.P.C. equivalent to the C.C.C. scale was Rs. 130—212. The workmen opted the C.C.C. scale and when he opted, the S.P.C. equivalent to the C.C.C. scale was not known. While opting to the C.C.C. scale he received an increment also. When the S.P.C. equivalent was made known the workmen wanted to opt to it, that is to opt to the pre-C.C.C. scales equivalent of 130—210, for the reason that the C.C.C. equivalent of 130—212 was dis-advantageous to him. In that the maximum was reached in 15 years instead of 12 years. When the matter

was brought to the management's notice the employer gave the option but demanded that the increment already drawn should be refunded. W.W. 1 has deposed that in similar circumstances, in Bombay, the option was given and the increment drawn was not directed to be refunded. It is the contention of Sri Bhadram that the same treatment should be meted out to the workmen here also. On full consideration of the entire record on this Issue I am of the opinion that this issue should be decided in favour of the workmen. I direct accordingly.

25. Passing on to Issue No. 23, viz.,

"While fitting erstwhile marine kalasis, D.C.C. Department, on 35—1—50 into Grade-II Laskars, C.C.C. scale of Rs. 30—1—50, the protection to the higher pay of Rs. 35 drawn should be given."

The demand in the statement of claims, in brief, is that the originally the Marine Kalasis were in the grade of Rs. 35—40. The C.C.C. designated the marine kalasis anew and designated them as Laskars Grade-I and Laskars Grade-II carrying scales of pay of Rs. 40—50 and Rs. 30—50 respectively. While fitting the Laskars into Rs. 30—50 scale the Laskars who were drawing Rs. 35 were given protection of their salary of Rs. 35 by the employer, while similar protection was not given when the same Laskars were fitted into the S.P.C. scales. Even Laskars who were drawing Rs. 80 were fitted into the scale at Rs. 75 or Rs. 77 and not at Rs. 80 which was what they were drawing. The grouse is that when the wage of Rs. 35 was protected the wage of Rs. 80 should also have been protected. It relates to the workmen specified in Ex. W-38. The stand of the employer is that they have been given option to opt to whichever scale they want to. Sri Bhadram states that those workmen who have reached the Rs. 80 and who have also drawn the annual increment have been directed to refund. The learned advocate for the employer states that no refund has been demanded. On this assurance Sri Bhadram stated that he was satisfied with the option given. Hence, I decide the issue accordingly, partly in favour of the employer (option given is enough) and partly in favour of the workmen. (no refund is demanded).

26. Issue No. 24 is as follows:—

"The withholding of increment for 1 year with cumulative effect inflicted on Shri D. Manikyam-II, Machinist, Workshop without establishing the guilt of the employee should be cancelled.

The punishments of stoppages of increments inflicted on some of the workers of the Mobile Cranes Section and workshop should be cancelled as the punishments were imposed without establishing the lapse of the employee concerned"

The first part of this issue is on the Manikyam-II, a Machinist. The Mechanical Superintendent, M.W. 4, has deposed that he himself entrusted Manikyam with a certain work and wanted it the same day as he required it to be urgently done. It is his deposition that the work was done with undue delay and, therefore, Manikyam was charge-sheeted. His reply to the charge-sheet was taken and was considered. In the result, one yearly increment was stopped. He was given a chance to appeal and the appeal was also rejected. Sub-section 2 of section 13 of the Central Civil Service (Classification, Control and Appeal) Rules is on the penalty of stopping of an increment. The procedure for stopping the same is laid down in Rule 16 and it is only this that the workmen concerned should be charge-sheeted, his reply taken and considered; opinion of the Commission, if necessary, is also to be taken and the authority empowered should on this material pass an order. No other requirement of procedure is prescribed in this rule. Sri Bhadram has contended that the charge-sheet, Ex. W-35, was given under Section 15 of the above stated Rules and, therefore, the procedure laid down under Section 15 should have been followed viz., an enquiry should have been held, the enquiry should have been in the presence of Manikyam, evidence should have been recorded in his presence and opportunity to produce witnesses in defence, if any, should have been given. As this procedure was not followed, the punishment should be set aside. I considered this contention carefully. Section 16 provides that the workman concerned should be charge-sheeted. The details of the manner in which the charge-sheet should be framed are not given in section 16. They are given in Section 15 under the heading 'procedure for imposing major penalties.' By issuing the chargesheet in the detailed manner prescribed in section 15 it does not follow that the procedure for enquiry laid down in Section 15 should also have been adopted. When the stopping of increment is under Section 13(2) a minor penalty for which a brief procedure is laid down in section 16 and that procedure has been followed, I do not see how I can interfere. During his final argument Sri Bhadram has filed Ex. M-79 purporting to be a form under the Central Civil Service (Classification, Control and Appeal) Rule 16. He has contended that by not charge-sheeting according to this form

and charge-sheeting under the other form, the employer intended to hold a fullfledged inquiry and did not do so. Hence, the punishment should be set aside. After careful consideration of this argument, I am still of the opinion that stopping of increment is a minor penalty: procedure for the same prescribed in Rule 16 was followed and the awarding of the punishment, therefore, cannot be impugned: charge-sheeting Manikyam in the detailed manner prescribed in Rule 15 cannot be described to alter the nature of penalty from a minor to a major one and, does not make it obligatory on the employer to hold the detailed inquiry of major penalties. I hold accordingly.

27(1) In the second part of this issue it is stated that the same punishment of stopping of increment has been inflicted on some of the workers of the mobile crane section and as punishments were inflicted without establishing the alleged offences committed they should be set aside. It should be noted that in the issue there are no such words as to indicate what workers are meant. The wording used is "some workers". In Annexure-I 16 names have been filed by the workmen. It is the allegation of the employer and his learned advocate that it is not legally correct to consider this annexure as it will be enlarging and adding to the reference. If the wording has been that some of the workers as those mentioned in Annexure-I I could have considered them. In my opinion also, when the issue has not specified the workers, nor their number, it is not possible for me to consider them. Besides no details of the offences are stated even in evidence. I cannot pass any order on such meagre record. In the result both parts of this issue are decided against the workmen.

28. Issue No. 25 is as follows:—

"In the Engineering Department those appointed to a skilled (category) with effect from 16th April, 1963, by promotion from B.T.Ms., should be declared seniors to those appointed to skilled (category) with effect from 25th November, 1962, (while) absorption from casual labour".

The demand is that skilled casual labour were absorbed on vacant regular and permanent posts by the engineering department on 26th November, 1962; and that by this act the semi-skilled B.T.Ms., (Basic Trades Men) who were in the regular line of promotion after the skilled regular workmen were debarred from promotion. The casuals so promoted blocked the B.T.Ms.' way to promotion. The union brought this matter to the notice of the employer. Thereupon, the employer created temporary monthly posts and promoted the B.T.Ms. to them on 16th April, 1964. It is the grouse of the union that if the B.T.Ms. had been promoted on 26th November, 1962, to the vacant regular skilled posts they would have drawn more increments and would have been senior to the casual skilled workmen who were promoted on 26th November, 1962. It is for this reason Sri Bhadram has prayed that I should direct the employer that the B.T.Ms., who were promoted on 16th April, 1964 should be deemed senior to the casual skilled workmen promoted on 26th November, 1962. The employer's counter to this demand is that the casual skilled workmen were doing higher kind of work than the semi-skilled B.T.Ms., and it was not possible to over-look their rights. It is further contended that it is not correct to take a distinction between regular or permanent and temporary posts for the absorption of casual labour. There was no agreement that such a distinction will be observed and, of course, according to the employer, seniority should date from the date of appointment. On this record I have carefully considered the matter. I am of the opinion that it will not be possible for me to over-look the fact that casual labour promoted were skilled labour and the B.T.Ms. who were not promoted on 26th November, 1962, were semiskilled workmen. For promotion they had to pass a test also. For these reasons I do not feel that there is good enough case for my interference. This issue is also decided against the workmen.

29. Issue No. 26 is as follows:—

"For absorption of casual labour in the Engineering Department two posts of fitters should be additionally created."

The demand is that on 25th November, 1962 six regular monthly posts of fitters were vacant in the Engineering department and six casual fitters were appointed to them. There were six qualified B.T.M. fitters also who were not absorbed. The union applied and the employer created four regular monthly posts and appointed four fitters to them. There remained two more B.T.M. fitters and, it is therefore, prayed that two regular monthly posts should be created by the employer and the remaining two B.T.Ms. fitters appointed to them. The counter to this demand is that on 25th November, 1962, five permanent posts of fitters were vacant. On one of them a temporary fitter was substantially absorbed. In the

result four permanent posts of fitters remained. In the normal way four casual fitters were appointed to them. Even though there was no need of any more posts of fitters, yet, at the union's request and for the sake of absorption of casual fitters, six more temporary regular posts were created. On four posts basic trades men were appointed and on the other two posts two casual fitters were appointed. In the result two B.T.M. fitters remained. It cannot be helped as the department does not require them; there was not enough work for them. This was done on 16th April, 1964. The position is still the same. To the above facts as stated in the counter, M.W. 1 on page (3) at place (S) and in cross-examination on page 9 place (S) has deposed. Similarly, M.W. 5 also on page 11 has reiterated the same stand. W.W. 1 has deposed on page 13. I have considered all this record carefully. This much is clear that two skilled fitters were preferred to two semi-skilled basic trades men and, there is no evidence that in the Engineering department work is enough for the absorption of the two B.T.M. fitters. *National Carbon Co., v. Their workmen*, 1952 (II) LLJ 504; and workers in *Umbilimai Estate v. the U. mibilimai Estate*, 1959 (I) LLJ 319: are to the effect that the number of posts and the persons to be appointed on them is a managerial function. For all these reasons I do not see sufficient reason to interfere and allow this issue. I have not omitted to consider that casual workmen have to be absorbed, but, the needs of the departments also are to be considered. In the result his issue is decided against the workmen.

30. Issue No. 27 is as follows:—

"The works holidays in the year which are not paid holidays to casual labour should count as on duty for weekly off with pay, for casual labour."

The workmen's case is that the casuals are now given four paid holidays. As against them the regular monthly paid workmen are given 16 paid holidays. Because of these 16 holidays, for 12 days the casual men have no work. Under the existing rules, the casual gets one paid holiday only when they work for six continuous days. Due to these 12 holidays for the regular workmen, the casuals cannot work for six continuous days. In the result the casuals lose 12 paid holidays. Hence, it is prayed that the Tribunal may direct the employer to consider the 12 paid holidays as working days for the purpose of giving the casuals their weekly paid holiday. In the counter the employer has relied on rule 23 of the Minimum Wages Rules prescribing one paid holiday for continuous work for six days and relying on this rule he has taken the stand that the demand cannot be allowed. The question depends upon the interpretation to be given to clause (c) of the explanation to rule 23 of the Minimum Wages Rules. There it has been laid down that for the purposes of computation of the continuous period of not less than six days any leave or holiday with or without pay granted by the employer to an employee in the period of six days immediately preceding the rest day shall be deemed to be days on which the employees has worked. If I interpret the word employee in this sub-paragraph (c) to refer to casual employees, it must be shown that they are given a holiday. This is necessary under the language of paragraph (c) which is to this effect: "any leave or holiday granted by the employer to the employee". In fact Shri Bhadram has filed Ex. M-75 and contended that the works holidays given by that Exhibit take in their ambit the casuals also. The record shows that it is not so. As deposed to by M.W. 5 four holidays for casual workers are announced separately by the employer. The very heading of Ex. W. 75 is 'works holidays' and according to the deposition of M.W. 5, these 12 holidays are on which the part is closed and there is no work for anybody. I am, therefore, clear that thought it is hard upon the casual workmen but the wording of the rule does not benefit them. I cannot change the rule 23 of the Minimum Wages Rules or go against it. On principle also, when there is no work due to the fact that the concern itself is closed, it cannot be deemed to be a working day for any purpose. If I hold in-favour of the workmen in this regard it will be stretching the point too far. I am afraid, therefore, that I will have to decide this issue against the workmen and I do it.

31. Issues 28 and 29 were as follows:—

"28—The seniority that was overlooked while fixing (w.e.f. 1st May, 1962) Marine Khalasis in D.C. Department, as Gr. II and Gr. I Lascars should be rectified."

"29—Payment for night duty done on a weekly off or festival holiday should be at double the payment for night duty done on a week day."

They have been given up.

32. Issue No. 30 is in the following words:

"The staff which is posted for watch-keeping duty on Sundays is a weekly off day for that section and should be paid extra remuneration as he was called to duty on the weekly off."

It means that for some staff employed on watch keeping duty Sunday is a weekly off day but at times they are required to work on Sundays and, therefore, remuneration for the work on Sunday should be paid. It is the allegation of the workmen that to avoid payment of remuneration the employer has taken recourse to the device that instead of Sunday he is giving another week day as an off-day. But, now that Government orders to remunerate work on an off-day have been formulated in Ex. M-46, the employer should be directed to pay remuneration accordingly. For this purpose it will be necessary for me to direct that for the said Staff Sunday should be treated as a weekly-off day. As against this, the stand of the employer in the counter is that remuneration is paid when work is taken on a fixed off-day. It cannot be taken for granted that for everybody on watchkeeping duty Sunday should be the weekly off-day. If Sunday is fixed for an employee as an off-day and he is required to work on that day, of course, he will be paid the extra wages. The spread over of the weekly off is determined by the exigencies of the nature of the work. The learned advocate for the employer has relied on Bombay Port Trust Employees Union v. Bombay Port Trust, 1956 (II) LLJ page 197, paragraph 13, laying down that nobody has a right to an off-on Sunday. The only right conferred is that within 10 days an off day is given. Sri Bhadram has contended that W.W. 2 the Winch-man has deposed that for winch-men a Sunday is an off-day and his deposition has not been rebutted. A perusal of his deposition will show that in cross-examination W.W. 2 has stated also that the off-day is fixed and announced every Friday. It is, therefore, clear that the witness has rebutted his own deposition that for winchmen Sunday is an off-day by his statement in cross examination that the off-day is determined every Friday. Moreover, neither this witness nor any other witness of the workmen has deposed to Sunday being a fixed off-day for the staff under consideration and if it is so under what rules or provisions and from what time. As no satisfactory evidence is produced to establish the contention that Sunday is an off-day for the staff mentioned in the issue, the issue cannot be decided in favour of the workmen. It is decided against them.

33. Passing on to Issue No. 31 it is as follows:—

"The post of charge-hand for motor mechanic section should be created as there is none at present."

The workmen have explained the content of this issue by deposing that workshop has six trades and there is a charge-hand in every trade except the Motor Mechanic trade. That work has increased much during the last six years is also deposed to by some witness. For these reasons it is prayed that this issue should be allowed. As against this the counter statement is that from 1957 there is a charge-hand in the motor mechanic trade of the workshop. Originally, the post of this charge-hand was shown in the mobile crane section, but now the post itself has been transferred to the workshop. The charge-hand is working in the workshop now as before. It is obvious, therefore, that there is no need of an additional charge-hand. Moreover, creation of posts pertain to managerial function and the union has no say in the matter. The record shows that W.W. 5 has deposed that there is no charge-hand in the motor mechanic section of the workshop and this statement was not cross-examined. Even so, M.W. 4 has deposed, as already stated above, with emphasis, that there is a charge-hand in the motor mechanic section of the workshop from 1957. M.W. 4 is the Mechanical Superintendent. Workshop is under him. I see no reason to hold that he is not deposing correctly. Apart from this obviously, creation of the post is a managerial function. There is no record to hold that there is a need for such a post and the employer is not filling it with *mala fide* intentions. I decide this issue against the workmen.

34. Issue No. 33 is as follows:—

"The posts of highly skilled motor mechanics should be created as was done in other trades."

The employer's stand is that there are already two posts of highly skilled motor mechanics, one is in the workshop and the other is in the floating craft section. There is no justification for any additional post. No satisfactory evidence has been adduced by the workmen to prove that there is work for additional posts which the workmen have demanded in their claims statement. As already stated previously the creation of posts and the carrying out of the work

of the concern is a managerial function. I have, therefore, no satisfactory evidence to decide this issue in favour of the workmen. I decide it against them.

35. Issues No. 34 and 35 were as follows:—

“34. A post of Spray Painter should be created for work on Motor Vehicles.”

“35. Separate staff should be appointed for the work connected with Fuel Injection Equipment.”

They have been given up.

36. Issue No. 36 is as follows:—

“The abnoxious practice of motor mechanics using common uniform should be given up and each motor mechanic should be given uniform separately.”

The workmen case is that at the work-spot only four boiler suits are kept and the motor mechanics are required to do servicing of vehicles and works of similar nature. They have, therefore, to wear the suits already worn by others. This is un-hygienic and, therefore, two suits of uniform for all the motor mechanics should be directed to be supplied by the employer. The employer's stand is that no uniform is supplied to motor mechanics. W.W. 5 has deposed that there are four boiler suits and 13 men in the motor vehicles section. But it should be noted that he has not deposed that the boiler suits are meant for motor mechanics. M.W. 4 has clarified by stating that the four boiler suits are for the four motor kalasis who do cleausing. This witness has not been cross-examined on this point. In the result, the abnoxious practice referred to in the issue does not exist and the issue is decided against the workmen.

37. Issue No. 37 is:—

“The motor mechanics who are now attending to the repairs of diesel vehicles should be designated as diesel mechanics.”

This issue has been left for my decision by Shri M. V. Bhadram. Workmen's stand was that motor mechanics attend mostly to diesel vehicles and all diesel crafts and, therefore, they should be designated as diesel mechanics. M.W. 4 has explained that the motor mechanics attend also to vehicles run by kerosene oil or run by mixture of kerosene and petroleum which is called powerline and, therefore, the general designation of motor mechanics is preferable. I agree and decide this issue against the workmen.

38. Issues Nos. 38 and 39 were as follows:—

“38. Adequate number of Mechanics should be appointed to cope up with the increased maintenance work of the vehicles in the M.S. Department.”

“39. Understudy facilities should be provided in the important trade of Instrument Mechanic.”

They have been given up and, therefore, decided against the workmen.

39. Issue No. 40 is—

“The staff on steam crafts should be rotated on all steam crafts and on all shifts. Similarly the staff of all diesel crafts.”

The workmen's stand is that some floating crafts are run by steam and some by diesel: Some work for 24 hours and others work in two shifts only: In some the work is less as in the fire float craft and in some other the work is much more. It is, therefore, clear that the distribution should be equal. The posting at present does not achieve this end. Some staff is posted always to some particular craft and, therefore, the staff should, from time to time, be rotated from one craft to other and no workman should be sent to the same craft unless he has worked on all other crafts and the shifts should also be changed every week. The employer's stand is that in all major ports the normal practice is to have fixed crews in every craft. It is in Vizag only that crews of the crafts are changed. It is not possible to rotate them as is demanded by the union, having regard to the nature of the work and the kind of crafts that exist in the port. The union's demand is interference with day to day work of the port and is, therefore, interference with managerial functions. Rotation is done as far as possible. This stand of the employer is borne out by the evidence of W.W. 4 and W.W. 6. W.W. 4 has admitted that he has been posted to a craft where there is night duty from a craft where there was no night duty and the crafts Padmini

and Rani to which he has been posted work only two shifts and posting on them is considered to be a privileged posting. These examples will indicate that there is no discrimination. I am satisfied that there is not sufficient material for my interference with the managerial function. No *mala fides* is shown. This issue is decided against the workmen.

40. Issue No. 41 is more or less similar. It is this:

"The staff to be posted on diesel and steam crafts should be in such a way that benefits of extra remuneration, over-time and night weightage is evenly distributed among all the staff."

The workmen's case is that in duties from 10 P.M. to 6 A.M. and in duties on festival days extra remuneration is paid and in watch-keeping duties on craft there is no third shift. It is also the allegation that the postings now a days are based on favouritism and discrimination. It is, therefore, prayed that the Tribunal should direct that the postings should be done in a manner that the extra remuneration could be shared by all the workmen concerned. In the counter the employer has denied discrimination or favouritism and has stated that as far as possible posting is being done in a manner in which the extra remuneration and night-weightage is shared by almost all persons. It is added that no body is entitled to over-time and night-weightage by right. They are no part of service conditions. First class drivers are less. Therefore, they cannot be rotated. Third class drivers are more. They can be rotated and are being rotated. All this is also said to be an interference with managerial function. I could have interfered if I had been satisfied with evidence of *mala fides*. I have considered the deposition of workmen's witnesses in this regard and I do not feel that there is any good evidence of *mala fides* or discrimination. As stated in the preceding issue, M.W. 4 who has deposed to unfair labour practice has himself admitted that he has been posted on crafts where there is no night-weightage and also posted on crafts in which there is night-weightage. This does not indicate *mala fides*. This issue is decided against the workmen.

41. Coming to the consideration of Issue No. 42, it is in the following words:

"In the case of two posts which are in the line of promotion and whose scale is one and the same (for instance fire-men and greaser, winchman and tindle,) the employee should be given one increment on promotion."

In the claims statement several posts have been specified in which before the C.C.C. promotion was given from one to the other and from it to even a third as they were considered to be in the line of promotion, for instance Cassabs were promoted as winchmen and winchmen as tindles. The C.C.C. gave all three of them and the other several posts specified in the claims statement, paragraph 42, the same scales. It is for this reason that the employer considers that when a Cassab, for instance, is made a winch-man it is not a promotion but only a transfer. The stand of the workmen is that in such cases one increment should be given. Reliance is placed on Ex. W-47. It is an Order of the Ministry of Finance No. F. 2, (9) E. III-61 dated 20th March, 1961. There it is directed that on promotion pay of the employees should first be increased by one increment in the lower scale and he should then be fixed in the higher scale at the stage next above. As to this, the stand of the employer is that when the salaries are the same how can it be deemed promotion and therefore, this order of the Ministry of Finance is not relevant. In my opinion, even when the salaries or wages are the same the duties and responsibilities had not been changed. Admittedly they were higher and they still remain so. This fact cannot be over-looked. The Industrial Tribunal of Bombay in the Gazette of India No. 27, Sections 2 and 3, dated 4th July 1964, page 2703, considering a similar case of tally-clerks and Grade-II clerks has held similarly. In my opinion, reliance can also be placed on Fundamental Rule 22(a) (I) which is to the following effect:—

When appointment to a post involves the assumption of duties or responsibilities of greater importance than those attaching to the old post the Government servant will draw as initial pay, the stage of the time scale next above his pay in the old post.

If I understand this provision correctly it tantamounts to an increment. For all these reasons, I decide this issue in favour of the workmen and direct that in regard to all the posts specified in the claims statement under Issue No. 42 or those specified in Ex. M-1, page 11, an increment on promotion to the next higher post, as it was understood before the C.C.C. Committee's report, should be given

42. I pass on to issue No. 43. It is on unclean allowance and is in the following words:—

“Unclean allowances should be paid to sanitary staff at the rate prevailing at Bombay port as recommended by C.C.C.”.

Even though the word sanitary staff is used in the issue it is stated in the claims statement under Issue No. 43 that scavengers and latrine cleaners should be given the same allowance as is given in Bombay, viz., Rs. 3 and Rs. 5 per month respectively to each of them. In addition, washing allowance of eight annas per month should also be given to the scavengers and latrine sweepers. The workmen have placed reliance on the C.C.C. report, paragraph 37, page 9 of Ex. M4, where the Committee has urged the desirability of giving to these categories such unclean allowance as they might consider just. This is not a recommendation but is an advice. The reason is had it been a recommendation it would have more contents i.e., more details as to the amount of allowances and the specification of the categories. As nothing is stated it is an advice and, therefore, it cannot be deemed to be binding as a recommendation is made binding on the labour and the port authorities by paragraph 4 of the Government Resolution on page 13 of the Report, Ex. M-4. W.W. 1 in his deposition on page 16 has stated that the Bombay, Madras and Calcutta Ports are giving unclean allowances. As regards Calcutta Ex. W-31 has been produced and W.W. 1 has identified the signature of the Joint Secretary on it. A perusal of Ex. W-31 will show that the Chairman of the Board of Commissioners of Calcutta had requested sanction for the unclean allowances not only to sweepers and scavengers but to several other persons. Ex. W-31 does not show that the allowances have been sanctioned. As regards Madras and Bombay sanction orders have not been adduced. Had they been adduced I would have been in a position to know the reasons for granting the allowances. The Government of India before the Visakhapatnam Port was made a Trust has directed by Ex. M-53 dated 21st May 1963 that no unclean allowances need be given. The reasons given by the Government are:—

that these people do their duties and therefore there is no justification for given unclean allowances;

no other Government department give such unclean allowances;

Second Pay Commission has also neither recommended the allowances nor increased the salaries of scavengers and sweepers.

I have considered all the above record carefully. In my opinion, enough evidence has not been adduced by the workmen to justify the granting of these allowances. I regret, therefore, my inability to allow this issue.

43. I pass on to the last issue viz., Issue No. 44. It is as follows:—

“The service qualification of three years service as a casual tally-man for appointment as a tally-man should be reduced to one year.”

The workmen's stand is that for appointment to a post of a tally-man, a pass in S.S.L.C. examination and 3 years work as a casual tally-man is required, but, if a person is a P.U.C. he can be directly appointed. It is urged that after S.S.L.C. examination the P.U.C. examination can be done in one year. Hence, it is urged that the requirement of three years work as a casual tally-man should be reduced to one year and it is stated that this will be better than a raw P.U.C. for the candidate so appointed would have experience by working one year as a casual tally-man. The stand as taken in the counter and by M.W. 3 is that so far no direct recruitment from P.U.C. has ever been done and in the experience of the employer three years experience is more or less necessary. The reason is that the casual tally-man work on different points where different forms are used and different cargoes are tallied. I carefully considered the above record and in my opinion, as the Board is itself being careful not to directly appoint any P.U.C. as it lays score on experience and it has also been deposed by M.W. 3 that in suitable cases the rule of three years work as casual tally-man is relaxed to two years, I do not feel my way to interfere. In the result this issue is decided against the workmen.

44. The above will show that I have decided issues 1 and 23 in favour of the workmen partly. I have decided issue 10 also in favour of the workmen on the ground that it has become infructuous. Issues 12, 15 and 42 I have decided wholly in favour of the workmen. Issue No. 12 was on the raising of the age of superannuation to 58. Issue No. 15 was on giving a fixed off-day to three sections of the Mechanical Superintendent's Department and Issue No. 42 was on giving one increment on promotion.

44(1) Regarding Issue No. 1 I have, in paragraph-4, directed that the workmen of the anti-malarial and medical sections, 12 in number, should be made regular and similarly in paragraph 4(4) and 4(5) I have directed 40 casual men in the Engineering Department of the Port engaged in the maintenance of the railway lines and (11) casual men engaged in the work of mentioned at serial 6 of Ex. M-14 should be made regular. Regarding these directives a word of explanation is necessary. The learned advocate for the employer argued, on the strength of (1) the Stanvac Vacuum Refining Company, 1960 (II) LLJ, 233; (2) Sukh-Jit Starch and Chemicals Ltd., Vs. The State of Punjab, 1962 (II) LLJ 269; and (3) Workers of Umbilimalai Estate Vs. Umbilimalai Estate, 1959 (I) LLJ, 319 that it is not within the competence of the Tribunal to fix a permanent strength of the labour force. I agree, as it has been laid down in the Labour Appellate Tribunal case of Viswamitra Press Vs. Their Workmen, 1952 (I) LLJ, 181, that it is the *prima facie* right of the management to determine its labour force and that the management is the best judge to determine the number of workmen. I want to clarify that in the Stanvac case of the Supreme Court itself the order of the Tribunal directing the company to make the cleaners regular was confirmed. Hence, a direction to make workmen regular is within the competence of the Tribunal and I have, for reasons stated in the decisions of the issue gave the direction. It is, therefore, clear that the direction was given as I have the power to do so. It must be clearly understood that though I decided the contention of the learned advocate for the employer that even in a reference under Sec. 10(2), the Tribunal has power to consider matters incidental to the issues referred, my direction in paragraph 4, 4(4) and 4(5) was not based on the power to decide incidental matter. The other objections of the learned advocate in this connection were that unless the number of workmen is specified, their names given and the nature of the work delineated and the necessity for their continuance are shown no such direction can be given. The 40 workmen about whom I have given the direction to make them regular are those admitted to be casual in the management's own schedule of the staff as on 31st December 1964., Ex. M-51, Engineering Department, Page 10. The number of 7 workmen is also admitted in serial 6 of Ex. M-14. M.W.-1 has deposed that the number now is not 7 but: W.W.-1 deposed that even now they are 11, he contended that if 11—5—6 have been absorbed as regular workmen nothing further need be said; otherwise, the 11 of them working as casual workmen should be absorbed. I have decided accordingly in paragraph 4(5) above. I add here that names of the 11 persons are specified in Ex. W-51 and deposed to by WW-1. Hence, the number and the nature of the work e.g., regarding 40 workmen is known: as it is the maintenance of the Port railway lines in the case of 40 casual and working as gate-men of the sapper's bridge in the case of the 11 workmen.

45. Much time was taken in argument on the power of the Port to make Regulations. Sri M. V. Bhadram contended that from 29th February 1964 the Port has power to make regulations without reference to the Central Government. This was questioned by the learned advocate for the employer. I may state here that for the decision of the 44 issues referred, any decision on this point was not necessary and I have not occasion to refer to it in the decision of those issues. Anyway, though I am loathe to decide academic questions, I may briefly state that there appears to be no escape from Sec. 124 of the Major Ports Trusts Act 1963. This section is quite clear as it provides that no regulation made by the Port under the Act shall have effect until it has been approved by the Central Government and published in the official gazette. Sec. 123 mentions so many matters on which the Port can make regulations and the last provision in that section is that "the Port can make regulations generally for the efficient and proper administration of the Port." Even this power is subordinated to the provisions of section 124. It is, therefore, clear that it is bootless to contend that the Port has powers to make regulations, independently without the approval of the Central Government.

45(1) Sri Bhadram has contended also that having regard to the Regulation, G.S.R. 297, notified on page 79 of the Gazette of India, No. 37, dated 29th February 1964, Ex. M-21, the existing rules and orders will continue in force till the orders are altered, repealed or modified by the Board and they will be deemed as if they were made by the Central Government. That is true, but, Sri Bhadram's further contention that because of this provision the Fundamental Rules and the Supplementary Rules will also be considered to be regulations does not follow as a corollary. Similarly, even though 7 Port Regulations have been made by the Central Government in Ex. M-2 and are in force, but, unless it is shown that all the provisions of the Fundamental Rules applicable to the Port's services have been dealt with in these seven regulations it cannot be said that the Fundamental Rules do not apply.

45(2) Something applies to Sri Bhadram's contention in respect of the Industrial Employment (Standing Orders) Act. Ex. M-54 is an order of the Central Government dated 7th April 1965 to the effect that the said Act does not apply to the Port employees, for the reason that Fundamental Rules and Supplementary Rules apply. Sri Bhadram has cited in his final argument, Ex. W-75, a notification of the Government of India laying down that the said Act *viz.*, The Industrial Employment (Standing Orders) Act will not apply to the Port employees on carrying out certain conditions. Sri Bhadram has contended that these conditions have not been carried out and, therefore, the said Act will apply. There is no record produced before me to show that the conditions have been fulfilled. Still, when the Government of India, in Ex. M-54, states as recently as April 1965 that the said Act does not apply and the Fundamental Rules and the Supplementary Rules apply, the indication is that the conditions have been carried out. However, this may be, there is the clear pronouncement of section 13(b) of the said Act that it does not apply to Port employees to whom the Fundamental Rules, Supplementary Rules, C.C.A. Rules apply. The further Ex. W-73 relied on by Sri Bhadram is on Recruitment Rules only. Anyway, it appears to me that section 29-F is quite clear and it has in unmistakable words provided that the service conditions that were applicable to the Port employees before 29th February 1964, the date on which the port became a trust board, will continue to be applicable even after that date.

Award accordingly, given under my hand and the seal of the Court, this the 15th Day of July, 1965.

(Sd.) M. S. ALIKHAN,
Industrial Tribunal.

INDUSTRIAL DISPUTE No. 42/1964

List of Witnesses examined for :

WORKMEN :

EMPLOYERS :

(Visakhapatnam Harbour and Port Worker's Union)

1. W.W. 1 : Sri M.V. Bhadram
2. W.W. 2 : Sri K. Paidayya
3. W.W. 3 : Sri K. Venkata Reddy
4. W.W. 4 : Sri K. Venkanna
5. W.W. 5 : Sri D. Manikayam
6. W.W. 6 : Sri B. Ganganna.
7. W.W. 7 : Sri S. Ammoru.
8. W.W. 8 : Sri M.V. Bhadramurthy Sarma.
9. W.W. 9 : Sri T. Laximanarayana.

1. M.W. 1 : Sri H.R. Laximanarayanaiah.
2. M.W. 2 : Sri S.N. Bayankar
3. M.W. 3 : Sri K. Sridhar.
4. M.W. 4 : Sri A.W. Dolima.
5. M.W. 5 : Sri T.S. Narasimham

(On behalf of the National Port Trust Employees' Union).

NIL

List of Documents marked for Workmen :

(On behalf of Visakhapatnam Harbour and Port Worker's Union).

- Ex. W1 : Letter No. E/Med/150-AS/CL/64 dated 23-6-65 from the Secretary, Visakhapatnam Port Trust, Visakhapatnam (hereinafter referred to as the Port Trust) to the General Secretary, Visakhapatnam Harbour and Port Worker's Union (hereinafter referred to as the Union) regarding the seniority list of casual labour, with enclosures.
- Ex. W2 : Schedule of staff of the Port Trust—Class I, II, III & IV as on 31-12-1964.
- Ex. W3 : Letter from the Union No. PAO/CLC/44/62, dated 23-6-62 to the Port Trust regarding the absorption of casual labour into regular lines.
- Ex. W4 : Recommendations of Hind Pay Commission.
- Ex. W5 : No. of casual labour employed in the port trust from July 1963 to October 1964.

- in the various departments.
- Ex. W6 : List of casual workers employed in M.S. Department from July 1963 to July 1964.
- Ex. W7 : Do. Do. in Engineering Department.
- Ex. W8 : Do. Do. T.M. Department.
- Ex. W9 : Statistics of volume of traffic handled by the Port Trust (Imports and Exports from 1950 to 1963.)
- Ex. W10 : Statement of duties, responsibilities of posts in all departments of Port Trust.
- Ex. W11 : Visakhapatnam Dock Labour Breacher.
- Ex. W12 : Documents showing the scheme formulated by the Port Trust for departmentalisation of the shore-labour, for handling import, bad cargo and bail at the port.
- Ex. W13 : Recruitment rules of the Traffic Department of the Port Trust for Class III & IV
- Ex. W14 : Visakhapatnam Port Clothing Manual.
- Ex. W15 : Proceedings of the meeting held between the Union and the Port Trust on 29th May, 1964.
- Ex. W16 : Particulars showing the disparity in leave rules.
- Ex. W17 : Letter No. (X)I-56/PT/3/2 dated 13-9-1956 from the Ministry of Railways to the Port.
- Ex. W17A : Instructions of the Port for granting of railway passes and P.T.Os
- Ex. W18 : Letter No. 30104 dated 27-9-58 from the General Manager of the South Eastern Railway, Calcutta, to the Secretary, Railway Board.
- Ex. W19 : Letter No. P16/62/Ruling/135 dated 26-12-62 from the S.E. Railway regarding conditions governing the issue of railway passes.
- Ex. W20 : Minutes of the 5th Meeting of Visakhapatnam Port Dock Safety Committee.
- Ex. W21 : List of rates for piece-rate stevedore workers approved by the Dock Labour Board.
- Ex. W22 : List of floating crafts of the Port Trust.
- Ex. W23 : List of workmen employed in the floating craft category-wise.
- Ex. W24 : Seniority list of the floating craft workmen.
- Ex. W25 : Seniority List of workmen employed in 30 tons floating cranes and G.D. Mud-lark craft.
- Ex. W26 : Seniority list of Class III and IV of the shipping tugs.
- Ex. W27 : Seniority list of the workmen, Class III and IV in 60 tug floating cranes and graph dredgers.
- Ex. W28 : Recruitment rules of Class III and IV of the marine department of the port trust.
- Ex. W29 : Do. Do. mechanical department.
- Ex. W30 : Comparative statement of Ex. W28 and W 29.
- Ex. W31 : Copy of the resolution No. 1157 of the Calcutta Port Commissioners dated 27th August, 1962.
- Ex. W32 : List of category casual tally-men.
- Ex. W33 : Muster register of C.T.M. Department.
- Ex. W34 : Pay sheets of Port Trust.
- Ex. W35 : Charge-sheet under Rule 15 of C.C.S. (C.C. & A) Rules, 1957 issued to D. Manikyam-II, Machinist, Workshop.
- Ex. W36 : Explanation of Sri D. Manikyam-II.
- Ex. W37 : Order of the Mechanical Superintendent imposing penalty of stoppage of increment of Manikyam.
- Ex. W38 : List of Marine khalsis of D.C's department on or before 31-12-1961 to whom pay of Rs. 35/- protection was not given at the time of fixation of pay, under Hind Pay Commission Report.
- Ex. W39 : List of Lascars Grade-I in Marine Department as on 1-2-1962.
- Ex. W40 : List of workers as on 1-10-1963 in D.C. Department.

- Ex. W41 : List of senior marine khalasis placed in Grade-II Laskars.
- Ex. W42 : List of the juniors who were placed in Grade-I Laskars.
- Ex. W43 : Names of casual fitters absorbed into permanent posts of fitters.
- Ex. W44 : Office Order No. CE/201 dated 16th April 1963 of the Port Trust fixing the wages of Sri G. Pentiah and 5 others.
- Ex. W45 : Letter No. PAO/CPC/115/62 dated 23-12-1962 from the Union to the Port Trust.
- Ex. W46 : Letter of the Calcutta Port Trust and Dock Workers Union to the Union regarding weekly off-days.
- Ex. W47 : Copy of OM No. F2(9)E.III/61 dated 20-3-61, Finance Ministry regarding fixation of initial pay.
- Ex. W48 : List of certain workers, in all 13 numbers.
- Ex. W49 : Letter of the Port Trust dated 4-6-64 to the Union regarding absorption of casual labour.
- Ex. W50 : Letter No. K. 13394/64 dated 4th January, 1964 from the Port Trust to the Union regarding construction of waiting sheds for survey staff.
- Ex. W51 : List of survey staff, in all 11 numbers.
- Ex. W52 : Office Order No. 202 dated 16th April, 1963 fixing the wages of Shri Narasingarao and 3 others.
- Ex. W53 : Extract of page 14 of the staff Schedule of Class III and IV workmen as on 1-4-64.
- Ex. W54 : Order of the Ministry of Labour and Employment No. SO. 3435 prohibiting the strike in the Port Trust.
- Ex. W55 : Order of the Port Trust rejecting the appeal of Munikannayya Mechanic Workshop.
- Ex. W56 : Statement showing the No. of days taken for overhauling and dry docking of S.D. Vizagpatnam and S.D. Visakha from the year, 1958 to 1963.
- Ex. W57 : Statement showing the drydock used for port crafts and other crafts (number of days).
- Ex. W58 : Letter No. 977 of the Port Trust dated 18-1-1965 to Shri K. Atchyuta Rao, Fitter, S.D. Visakha regarding commutation of leave on medical grounds.
- Ex. W59 : Letter of Atchyuta Rao to the Port Trust requesting commutation of leave.
- Ex. W60 : Proceedings of the Port Trust No. 2197 dated 5-2-65 imposing penalty of stoppage of increment on T. Appalanarsiah, Greaser.
- Ex. W61 : Order of the Port Trust No. 5625 dated 3-4-62 imposing recovery of damage from the pay of Nookaraj, Driver.
- Ex. W62 : Letter No. F/13477/64 dated 21-12-64 ordering not to post the operation staff of floating crafts to work in the office of the marine engineering and stores.
- Ex. W63 : Letter No. E. 158/2/C, dated 16-5-61 from the Port Trust to the Union regarding the issue of railway passes.
- Ex. W64 : Letter No. E/158/2/C/62 dated 24-12-62 from the Port Trust to the Union regarding the issue of railway passes.
- Ex. W65 : Extract of the South Eastern Railway Gazette No. 23 dated 1-12-1964.
- Ex. W66 : Memo. of settlement arrived between the Port Trust and the Union u/s 12 of the I.D. Act on 12 and 13-6-1965.
- Ex. W67 : Letter No. B/14687/62 dated 4th December, 1963 from the Port Trust to the Union regarding regularisation of engineering department casual labour.
- Ex. W68 : Extract of the Labour Appellate Tribunal Award reference No. (I.T.—C.C.) of 1954.
- Ex. W69 : Circular of the Port Trust showing the dates of retirement No. E. 199/WM/ dated 18-5-64.
- Ex. W70 : Statement showing particulars of workmen who have drawn over-time wages from April 1963 to October 1964.
- Ex. W71 : Settlement u/s 12 of the I.D. Act entered between both the parties on 12-7-1964.
- Ex. W72 : Order No. LR 159/1/27/57-I dated 13th March 1959 of the Ministry of Labour and Employment exempting Port of Visakhapatnam from the provisions of the Act XX of 1946.
- Ex. W73 : Office Memo. No. 2066057-RPS dated 15th November, 1957 issued by the Home Ministry regarding the publication of Recruitment Rules.

- Ex. W74 : Form prescribed by the Port under the C.C.S. (C.C. & A.) Rules (Rule 16).
 Ex. W75 : List of holidays declared by the Port Trust for the year 1965.
 Ex. W76 : List of holidays for the year 1964 (paid holidays) for casual labour.

List of documents exhibited by the National Port Trust Employees Union : NIL.

List of Documents Exhibited by Employers :

- Ex. M1 : Schedule of pre-C.C.C., C.C.C. and corresponding (scales) SPC scales of Pay in Visakhapatnam Port.
 Ex. M2 : Regulations issued by Government in respect of Visakhapatnam Port Trust under Major Port Trusts Act, 1963.
 Ex. M3 : The Gazette of India No. 76, dated July 21, 1958.
 Ex. M4 : Report of the Committee for the Classification and Categorisation of Class III and Class IV employees of major ports, 1958-61.
 Ex. M5 : Letter No. VPT/G/101/64 dated 4-7-64 from the Union to the Chairman of the Port Trust.
 Ex. M6 : Administration Report and Annual Accounts 1962-63 of Visakhapatnam Port.
 Ex. M7 : I.R.C.A. Conference Rules.
 Ex. M8 : Copy of the Office Memo. No. F 39/2/59-Ests (A), dated 19th July, 1950 from the Ministry of Home Affairs to all Ministries regarding fixation of pay of Government servants.
 Ex. M9 : Copy of the letter No. 33/18/62-Ests (A) dated 30th November, 1962 of Home Ministry regarding compulsory retirement date.
 Ex. M10 : File relating to Shri D. Atchanna, Driver, M/cranes.
 Ex. M11 : File relating to Shri Ch. Apparao, Greaser, Mobile cranes.
 Ex. M12 : Order of the Authority under Payment of Wages Act dated 29-11-63 passed in the matter of D. Manikayam's increment's case.
 Ex. M13 : Minutes held between the representatives of the Union and the Port Trust dated 24-5-1962.
 Ex. M14 : Statement showing the total number of casual labour as on 1-2-65 with allocations of Visakhapatnam Port Trust.
 Ex. M15 : Statement showing monthly paid labour in the Engineering Department of the Port Trust.
 Ex. M16 : Statement showing employment position, condition of work, accidents, etc., for the month of October 1963 in the engineering department of the Port Trust.
 Ex. M17 : Statement showing employment position, condition of work, accidents, etc., for the month of September, 1963 in the engineering department of the Port Trust.
 Ex. M18 : List of casual labour prior to regularisation in November, 1962.
 Ex. M19 : Statement showing the operation of additional regular posts in 1962 in the Port Trust.
 Ex. M20 : Statement showing clothing issued to the staff of Engineering Department from 1962-1964.
 Ex. M21 : Statement regarding conversion of casual labour posts into regular temporary posts into D.C's department.
 Ex. M22 : List of casual labour absorbed in regular posts as and when vacancies arises in the DC's department.
 Ex. M23 : Statement of regular cadre posts of Class III and IV in the marine department.
 Ex. M24 : Letter of the Port Trust in which proceedings of the meeting were recorded in respect of C.C.C. report.
 Ex. M25 : Statement showing the list of senior marine khalsis who were subsequently promoted as Lascar Grade I.
 Ex. M26 : Statement regarding supply of water-proof clothing in marine department.
 Ex. M27 : Statement of liveries supplied to the staff in the marine department.
 Ex. M27/1 : Statement showing supply of hot-weather clothing in the marine department.
 Ex. M28 : Copy of D.O. letter No. 14761/28, dated 28-12-64 from the Dy. Conservator of the Trust to the Secretary of the Port Trust on the subject of supply of uniform to the dock crew of the dredgers.
 Ex. M28/1 : Madras Port Trust's letter dated 16th July, 1964 addressed to the Dy. Conservator of the Port Trust, regarding uniform.

- Ex. M28/2 : Kandla Port Trust's letter dated 6th August, 1964 addressed to the Port Trust regarding uniforms to the deck crew.
- Ex. M28/3 : Cochin Port Trust's letter dated 17th December, 1964 addressed to the Port Trust regarding uniform to the deck crew.
- Ex. M29 : Application of I. Somulu, Laskar Grade-III addressed to the Dy. Conservator, stating that he is not willing for promotion.
- Ex. M/29/1 : Application of P. Appalaswamy laskar Grade-III addressed to the Dy. Conservator, stating that he is not willing for promotion.
- Ex. M29/2 : Application of Mukaraju, Lkiaskar Grade-III addressed to the Dy. Conservator, stating that he is not willing for promotion.
- Ex. M30 : List showing the regular posts created in 1963-64 in the Port Trust, in the category of Tallymen quay-Khalasi, Marine Khalasis.
- Ex. M31 : Statement showing the supply of cloth during the last three years in the traffic department.
- Ex. M32 : No. of posts (permanent and temporary) in the Mechanical Department of the port trust.
- Ex. M33 : List of casual labour posts—As on 31-10-64 in the Mechanical Department.
- Ex. M34 : Extract from Iyengar's report dated 15-1-1949 on Visakhapatnam port staff.
- Ex. M35 : Statement showing Casual labour posts made into regular posts in 1962 and after in the mechanical department of the port trusts.
- Ex. M36 : Register No. II of casual labour of the port trust.
- Ex. M37 : Resolution No. WB-21(4)/64 of the Labour Ministry, regarding the constitution of wage board for port and dock workers at Major ports.
- Ex. M38 : Confidential letter of Ministry of Transport addressed to Bombay Port Trust and copied to Secretary of the Port Trust, regarding the fixation of minimum wages for the port trust employees.
- Ex. M39 : Copy of O.M. No. F. 8(2)-Est. (spl)/60, dated 24-1-1961 of the Finance Ministry regarding the recommendation of the Pay Commission on casual labour.
- Ex. M40 : Authorised rates of wages for casual labour, other than those covered by the Minimum Wages Act.
- Ex. M41 : Statement showing the position of regular posts and casual labour in the Medical Anti-Malarial and Sanitary sections for the years 1962-64 of the port trust.
- Ex. M42 : Letter No. 17-Pla(18)/58 dated 23-4-1958 of the Transport Ministry addressed to the Port Trust regarding paid holidays to casual labour.
- Ex. M43 : Letter from the port trust dated 9-1-1963 addressed to the Union, regarding the restriction of availability on privilege passes.
- Ex. M44 : Extract of Fundamental rule 56(a).
- Ex. M45 : Copy of the letter No. 3-B&P/8/63, dated Feb. 1963 from the Finance Ministry to the Port Administrative Officer, Visakhapatnam Port on the subject of Annual repairs, white washing etc., of buildings belonging to Government and Government undertakings.
- Ex. M46 : Finance Ministry's letter No. 25/PLA/(10)/59, dated 27th August, 1959 addressed to the Port Administrative Officer, Visakhapatnam Port on the subject of implementation of Government resolution on O.S.D. report.
- Ex. M47 : Transport Ministry's letter No. 25-PLA/(3)/59 dated 21-8-1959 addressed to the Port Administrative Officer, Visakhapatnam Port regarding the implementation of the Government resolution dated 20-7-1958 on O.S.D's report.
- Ex. M48 : Payment of extra wages on approved holidays for the work done. Note showing certain clarifications.
- Ex. M49 : Transport Ministry's letter No. 23 PLA(26)/62, dated 10-7-1962 addressed to the Port Administrative Officer, Visakhapatnam Port regarding the weightage for night duty.
- Ex. M50 : Transport Ministry's letter No. 23 PLA (100)/61 dated 17-1-1962 on the subject of Revision of scales of pay of class III and Class IV Employees of Major Ports (second pay commission).
- Ex. M51 : Schedule of staff classes I, II, III and IV of the Port Trust as on 31-12-1964.
- Ex. M52 : Letter No. EWB/1-36024 dated 14-12-1964 from the Chief Accountant, Bombay Port Trust to the Port Trust, on the subject of Central Wage Board for port and dock workers at Major Ports.

- Ex. M53 : Letter No. 24-PLA(19)/62 dated 21-5-1963 of the Transport Ministry addressed to the Port Administrative Officer on the subject of implementation of the recommendation of the C.C.C. of Classes III and IV Employees of major ports on the ground of unclean allowance.
- Ex. M54 : Letter No. 25-PLA(3)/65, dated 7-4-1965 of the Transport Ministry, addressed to the Port Trust regarding the exemption of port trust from the provisions of the Act XX of 1946.
- Ex. M55 : Resolution No. 21(30)/65 dated 27-4-1965 of the Labour Ministry accepting the decision of the Wage Board for Port and Dock workers at Major works.

M. S. ALIKHAN,

Industrial Tribunal

[No. 28/77/64/LRIV.]

O. P. TALWAR, Under Secy.

New Delhi, the 9th August 1965

S.O. 2543.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Lucknow in respect of an industrial dispute between the management of the Hindustan Commercial Bank Limited and their workmen which was received by the Central Government on the 29th July, 1965.

BEFORE THE INDUSTRIAL TRIBUNAL (CENTRAL) AT LUCKNOW

PRESENT: Sri J. K. Tandon, Presiding Officer

ADJ. CASE No. 6 OF 1964 (CENTRAL)

In the matter of an Industrial Dispute between M/s Hindustan Commercial Bank Limited, Kasturba Gandhi Marg, Kanpur.

Versus

Their Workmen

APPEARANCES:

For the employers:

1. Sri L. C. Bhardwaj, Law Officer of the Bank.

For the workmen:

1. Sri P. C. Jain, General Secretary, U.P. Bank Employees Union, Aligarh and Central Committee Member, All India Bank Employees' Association Central Office, 710, Ballimaran, Chandni Chowk, Delhi.
2. Sri V. N. Sekhri, General Secretary, The All Indian Bank Employees Federation, 26/104, Birhana Road, Kanpur.

INDUSTRY: Banking.

DISTRICT: Kanpur.

Dated July 14, 1965

AWARD

The Central Government *vide* their Order No. 51(47)/64-LRIV dated 18th July, 1964 passed under Section 10 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) referred the following matter of dispute for adjudication by this Tribunal:—

“Whether, having regard to the directions contained in the Award dated the 21st July, 1962 of the National Industrial Tribunal (Bank Disputes), Bombay, published with the Government of India, Ministry of Labour and Employment Notification No. S.O. 2603, dated the 7th August, 1962, the management of Hindustan Commercial Bank Limited are justified in not paying bonus to their employees for the year 1962 and if not, to what quantum of bonus are the workmen entitled?”

2. The workmen employed in the above Bank, namely the Hindustan Commercial Bank Ltd. made a demand for payment to them of profit bonus which they considered they were entitled according to the Bank award dated 21st July, 1962 published in the Government of India, Ministry of Labour and Employment Notification No. S.O. 2306 dated 7th August, 1962.

3. The management in their turn disputed their liability for any such payment. Both parties, however, justified their action on the directions etc. embodied in their award aforementioned. Their respective written statements which proceeded on that broad basis raised certain other questions also affecting accounts. They gave rise to a number of supplementary issues which were struck on 2nd November, 1964. However, it is not necessary to reproduce them in this award as in the meantime the President has promulgated the Payment of Bonus Ordinance, 1965 which provides for payment of bonus in accordance with the scheme laid down therein. To two parties, that is the management of the Bank and the workers who are represented by their two Unions have, in view of the Ordinance, urged that the bonus to be allowed to the workers will now have to be determined under the provisions of the Ordinance. On behalf of the Bank it has been their case throughout that the Bank did not earn any profits during the year ending 31st December, 1962; consequently the question of payment of profit bonus did not arise.

4. The workers were not prepared to accept this proposition. Today, however, their representatives have made the statement that the various figures as appearing in the Profit and Loss Account and in the Balance Sheet for the year 1962 might be accepted as correct for the purposes of this case, but they contend that even though there was no profit or rather no surplus during the concerned period, Section 10 of the Ordinance entitled them to bonus at 4 per cent of the salary or wage of the employee or Rs. 40/-, whichever is higher. They have limited their demand to this amount only; namely 4 per cent of the salary or wage of the employee or Rs. 40/-, whichever of the two is higher.

5. The management concede that in view of the above Ordinance which will govern the present case they are obliged to pay bonus at the rate of 4 per cent of the salary or wage or Rs. 40/-, whichever is higher, to the workmen. Their learned representative, however, contended that the salary or wage 4 per cent whereof shall be allowable to the workmen will include two items only, namely basic wage and Dearness Allowance. No other allowances whatsoever shall be taken account of in computing the amount of bonus.

6. It would be noticed that the parties are agreed that the workmen are entitled to profit bonus which, in this case, has to be 4 per cent of the salary or wage as defined in the Ordinance, or if the amount computed at that rate should fall short of Rs. 40/-, then Rs. 40/- at least. Again in spite of whatever the learned representative for the management might have to say about the allowances payable to any workmen, or whether they should be included or not in computing the amount of 4 per cent allowed by section 10 of the Ordinance, the two parties are agreed that the basic pay and the Dearness Allowance would indeed be taken account of. Any individual workman might be in receipt of other allowances also, but whether those allowances are covered or not by the definition of 'salary' or 'wage' as given in the Ordinance will require an examination of the true nature of those allowances, and whether they fulfilled the other requirements of "salary" or "wage" under the terms of the Ordinance. As, however, no specific cases have been pointed out or pleaded, the Tribunal does not feel justified in embarking upon that enquiry, but will be satisfied by directing that the computation of the amount i.e., 4 per cent shall be made on the amount of "salary" or "wage" as defined in the Ordinance.

7. The Ordinance has in Section 15 made provision for set-on and set-off of allocable surplus. Ordinarily, therefore, it should be necessary for the Tribunal to find out the amount of allocable surplus for deciding the amount of set-on, but it did not appear necessary in the instant case. The reason is that the workmen also admit that there is no available surplus or allocable surplus in this establishment in respect of 1962. As a matter of fact the total net profits with the amount of depreciation added to it, fell short of deductions on account of return on capital etc. deductible under the Ordinance. There is actually a minus balance. That is, this is a case where there is no available surplus, much less any allocable surplus. In view of it the whole of the amount which the management shall pay on account of bonus will be set-on in accordance with Section 15(2) of the Ordinance.

8. I, therefore, direct that each workmen shall be paid bonus equal to 4 per cent of his "salary" or "wage" or Rs. 40/- whichever is higher, the exact amount to

be computed in accordance with Sections 13 and 14 of the Ordinance. The amount so determined shall be paid within two months of the publication of this award.

9. The Bank will also pay Rs. 150/- (one hundred and fifty) as costs of these proceedings to the two Unions in equal proportion.

(Sd.) J. K. TANDON,
Presiding Officer (Central).
[No. F.51(47)/64-LRIV.]

CORRIGENDUM

New Delhi, the 9th August 1965

S.O. 2544.—In the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 850 dated the 6th March, 1965 published on pages 951 and 952 of the Gazette of India Part II Section 3 Sub-section (ii) dated the 13th March 1965.

At page 952, in lines 40 and 43 for 3rd May 1964 read 3rd May 1963.

[No. F.51(68)/63-LRIV.]

HANS RAJ CHHABRA, Under Secy.

MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

New Delhi, the 2nd August 1965

S.O. 2545.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following rules regulating the method of recruitment to the Class III and Class IV, posts in the Extension Education Institute, Nilokheri.

1. **Short Title.**—These rules may be called the Extension Education Institute, Nilokheri (Class III and Class IV Posts) Recruitment Rules, 1965.

2. **Application.**—These rules shall apply to the Class III and Class IV posts in the Extension Education Institute, Nilokheri specified in column 1 of the Schedule annexed to these rules.

3. **Number Classification and Scale of Pay.**—The number of the said posts, their classification and the scale of pay attached thereto shall be as specified in columns 2 to 4 of the said Schedule.

4. **Method of Recruitment, Age limit and Other Qualifications.**—The method of recruitment to the said posts, age limit, qualifications and other matters connected therewith shall be as specified in columns 5 to 12 of the said Schedule:

Provided that the upper age limit prescribed for direct recruits may be relaxed in the case of candidates belonging to Scheduled Castes, Scheduled Tribes and other special categories of persons in accordance with the orders issued from time to time by the Central Government:

Provided further that of the total number of permanent vacancies in each of the Class III and Class IV posts specified in the Schedule to be filled by direct recruitment, not more than one-third may be filled by transfer from among the employees of the State Governments concerned, in accordance with the general instructions issued by the Central Government from time to time.

NOTE.—For this purpose there should be a minimum of three permanent vacancies to be filled by direct recruitment during a particular calendar year.

5. Disqualification (a).—No person, who has more than one wife living or who having a spouse living, marries in any case in which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to any of the said posts; and

(b) No woman, whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to any of the said posts:

Provided that the Central Government may, if satisfied that there are special grounds for so ordering, exempt any person from the operation of this rule.

6. Power to relax.—Where the Central Government is of opinion that it is necessary or expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons.

SCHEDULE

S. No.	Name of the Post.	No. of Posts.	Classification.	Scale of Pay.	Whether selection post or non-selection post.	Age limits for direct recruits.	Educational & other qualifications required for direct recruitment.	Whether Period age and of educational probation, Qualifications prescribed for the direct recruits will apply in the case of promotees.	Method of recruitment whether by direct recruitment or by promotion or transfer & percentage of vacancies to be filled by various methods.	In case of recruitment from which promotion to be made.	
1	2	3	4	5	6	7	8	9	10	11	12
1	Head Clerk	One	Class III Ministerial (Non-Gazetted)	Rs. 210—10—290—15—320—EB—15—425.	Selection.	..	..	N.A.	2 Years	By promotion failing which by transfer.	Upper Division Clerks with at least 5 years' service in the grade.
Promotion											
Transfer :											
Persons working in similar or equivalent grade from other Central Government Offices,											
2	Upper Division Clerk.]	Three	Class III Ministerial (Non-Gazetted)	Ra. 130—5—160—8—200—EB—8—256—EB—8—280—10—300.	Non-Selection.	..	..	No,	2 years	By Promotion	Lower Division clerk Steno- typist who have put in 3 years' service in the grade.

Lower Division Clerk includ- ing Steno- typist.	Four Class III Ministerial (Non-Gazet- ted)	Rs. 110-3-131 N.A. —4-155— EB-4-175 —5-180 Rs. 20/- per month spe- cial pay for Steno-typist	18-21 years	<p><i>Matriculation.</i></p> <p>(i) or its equivalent qualification ;</p> <p>(ii) Minimum speed of 30 words per minute in type-writing :</p> <p>(a) provided that—a person not possess- ing the said quali- fication in typing may be appointed subject to the con- dition that he will not be eligible for drawing increments in the pay scale or for quasi-perma- nency, or, confir- mation in grade till he acquires a speed of 30 words per minute in typing, and</p> <p>(b) a physically handi- capped person who is otherwise quali- fied to hold a cler- ical post but does not possess the said qualification in typing may be appointed subject to the conditions that the Medical Board attached to the Special Em- ployment Exchange for the Handicapped or where there is no such Board, the Civil Surgeon cer- tifies that the said handicapped person is not in fit condition to be able to type.</p>
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1	2	3	4	5	6	7	8	9	10	11	12
Rs.											
							<i>For steno-typist :</i> 80 words per minute in Shorthand and 40 words per minute in typing.	N.A.	2 years	By direct recruit- ment.	N.A.
4	Stenographer	One	Class III (Non- Gazetted) (Ministerial)	130—5—160 —8—200— EB—8— 256—EB— 8—280— 10—300	N.A.	18—25 years.	Matriculation or equi- valent. Shorthand speed at the rate of 100 words per minute and typing at 40 words per minute.	N.A.	2 years	Direct recruit- ment.	N.A.
5	Store-keeper	One	Class III (Non- Gazetted)	110—3—131 —4—155— EB—4—175 —5—180	N.A.	18—21 years.	1. Matriculation or equivalent quali- fications. 2. Candidates with ex- perience in Store- keeping will be given preference. 3. Typing speed of 30 words per minute.	N.A.	2 years	By direct recruit- ment.	N.A.
6	Librarian	One	Class III (Non- ministerial) (Non- Gazetted)	210—10—290 —15—320— EB—15—425	N.A.	Below 25 years.	<i>Essential :</i> 1. A degree of a recognised Univer- sity. 2. Library Science Diploma from a recognised University. <i>Experience.</i> About 2 years ex- perience in handling, cataloguing, storing, indexing and des- patching of books and periodicals.	N.A.	2 years	Direct recruit- ment.	N.A.

7 Training Officer (Carpentry)	One	Class III (Non- Ministerial) (Non- Gazetted)	250—10—29 —15—380	N.A.	18—30 years.	1. Matriculation or equivalent qualifica- tion. 2. Diploma from a recognised Engineer- ing School, Polyte- chnic Trade School or Handi-craft School in Carpentry. 3. Apprenticeship in a good workshop for one year. 4. Teaching experience in carpentry for 3 to 5 years. 5. Ability to teach.	N.A.	2 years	By direct recruit- ment.	N.A.
8 Training Officer (Smithy)	One	Class III Non- Ministerial (Non- Gazetted)	Rs. 250— 10—290— 15—380	N.A.	18—30 years	1. Matriculation or equivalent qualification. 2. Diploma in Smithy from a recognised En- gineering School, Polytechnic or Trade School, or Handicraft School. 3. Apprenticeship in a good work- shop for 1 year. 4. Teaching expe- rience in Smithy for 3 to 5 years. 5. Ability to teach.	N.A.	2 years	By direct recruitment,	N.A.
9 Projector Operator	One	Class III (Non- Ministerial (Non- Gazetted)	Rs. 200— 10—290— 15—320	N.A.	Below 30 years	<i>Essential :</i> 1. Matriculation or its equivalent qualifications. 2. Must have a good knowledge of 16 and 35 mm sound projector	N.A.	2 years	Direct recruit- ment.	N.A.

1	3	4	5	6	7	8	9	10	11	12
						machine and equipment used and elementary knowledge of electricity.				
						3. Must be able to make precision adjustments, locate minor fault and be able to set them right and service the equipment.				
						4. Must be able to train others in operation of 35 and 16 mm Projector.				
						5. Must have experience of 5 years of operating audio visual equipment including projectors, tape recorders etc.				
						6. Must have a licence from a competent authority.				
10 Senior Draftsman	One	Class III Non-Ministerial (Non-Gazetted)	Rs. 205— 7—240— 8—280	Non-Selection	Below 30 years	Essential : Diploma in Draftsmanship in Mechanical Engineering from a recognised Instt.	No.	2 years	By promotion failing which by direct recruitment	Draftsman Grade I with 3 years service in the grade.

							<i>Desirable :</i> 5 years experience of preparing de- signs and blue prints of Agri- cultural imple- ments and other mechanical ap- pliance.					
11	Draftsman Grade I	One	Class III Non- Ministerial (Non- Gazetted)	Rs. 150—5— 175—6— 205—EB— 7—240	N.A.	18—25 years	<i>Essential :</i> 1. Diploma in draftsmanship in Mechanical Engineering from a recognised Institute. <i>Desirable :</i> 3 years experien- ce of preparing designs and blue prints of agricul- tural implements and other me- chanical appli- ance.	N.A.	2 years	By direct recruitment.	N.A.	
12	Ferro Printer	One	Class III (Non- Ministerial) (Non- Gazetted)	Rs. 110— 3—131	N.A.	18—25 years	<i>Essential :</i> Middle school. standard pass. <i>Desirable :</i> (i) 2 years experience of Ferro printing. (ii) Matriculation.	N.A.	2 years	By direct re- cruitment.	N.A.	
13	Tracer	One	Class III½ (Non- Ministerial) (Non- Gazetted)	Rs. 110—4— 150—EB— 170—5— 180— E.B.—5— 200.	N.A.	18—25 years	<i>Essential :</i> Matriculation with drawing as one of the subjects.	N.A.	2 years	By direct recruitment.	N.A.	

1	2	3	4	5	6	7	8	9	10	11	12
							Desirable (i) Certificate for tracing or drafting. (ii) 2 years experience of preparing tracing sheets of Mechanical Drawing.				
14	Artist	One	Class III (Non-Ministerial) (Non-Gazetted)	Rs. 150—5—N.A. 175—6— 205		18—30 years	1. Matriculation or equivalent examination. 2. About 5 years' experience in Photography and art work. 3. Diploma from a recognised School in arts or Photography desirable.	N.A.	2 years By direct recruitment		N.A.
15	Farm Supervisor	One	Non-Ministerial Class III (Non-Gazetted)	Rs. 110—4—N.A. 150—EB— 4—170— 5—180— EB—5— 200		Below 30 years	1. Matriculation or equivalent from a recognised University 2. Two years integrated course in Agriculture or 2 years course as prescribed for Village Level Workers. 3. 3 to 5 years experience as field Assistant or Village Level Workers.	N.A.	2 years By direct recruitment.		N.A.

16 Fitter	One	Class III (Non-Ministerial (Non-Gazetted))	Rs. 110— 3—131—4— 143—EB— 4—155	N.A.	18—30 years	1. 5 years experience as Blacksmith and carpenter in some sizeable factory out of which 3 years must be as Blacksmith.	No.	2 years	By direct recruitment.	N.A.
17 Drivers	Two	Class III (Non-Ministerial (Non-Gazetted)).	Rs. 110— 3—131—4— 139	N.A.	18—25 years	<i>Essential :</i> 1. Should have driving licence. 2. Experience in driving at least 5 years. <i>Desirable :</i> 1. Middle School standard pass	N.A.	2 years	By direct recruitment.	N.A.
A.17 Artist Cum- Photographer	One	Class III (Non- Gazetted)	Rs. 150— 5—175— 6—205	N.A.	18—30 years	1. Matric or equivalent examination 2. About 5 years experience in Photography and artwork. 3. Diploma from a recognised School in arts or photography desirable.	N.A.	2 years	By direct, recruitment	N.A.

1	2	3	4	5	6	7	8	9	10	11	12
18	Tube-well Operators	Two	Class III (Non-Ministerial) Non-Gazetted.	Rs. 110—3—131.	N.A.	18—30 Years	1. Knowledge and practical experience for at least 2 years of operating diesel and electric engines. 2. Knowledge and practical experience of at least two years of tube-well machinery. 3. Preference will be given to those having Middle School Standard pass.	N.A.	2 Years	By direct recruitment.	NA.
19	Gestetner Operator (Junior)	One	Class IV (Non-Gazetted)	Rs. 80—1—85—2—95 EB—3—110.	Non-selection	18—25 years.	1. Middle School standard pass. 2. Should have proficiency of handling Gestetner Machine.	N.A.	6 months	By Promotion failing which by transfer failing which by direct recruitment.	<i>Promotion.</i> Daftries with 3 years service in the grade having proficiency of handling the gestetner machine. <i>Transfer.</i> Persons working in similar or equivalent grades from other Central Government Offices.
20	Daftry	One	Class IV (Non-Gazetted)	Rs. 75—1—85—E.B.—2—95.	Non-Selection	N.A.	1. Middle school standard pass. 2. Knowledge of maintenance and keeping of the official papers properly. 3. Should know cycling.	N.A.	6 months	By promotion failing which by transfer.	<i>Promotion.</i> —Peons with 3 years' service in the grade. Persons working in equivalent grades from other Central Government offices.

21	Peon	Four	Class IV (Non-Gazetted)	Rs. 70—1— 80—EB— 1—85.	N.A.	18—25 Years.	Middle school standard pass. Knowledge of cycling.	N.A.	6 months	By direct recruitment, failing which by transfer.	<i>Transfer.</i> — Persons working in similar grades from other Central Government offices.
22	Runner	Two	Class IV (Non-Gazetted)	Rs. 70—1—80— EB—1—85.	N.A.	18—25 Years	1. Middle School standard pass. 2. Knowledge of cycling.	N.A.	6 months	By direct recruitment.	N.A.
23	Farash	One	Class IV (Non-Gazetted)	Rs. 70—1— 80—EB— 1—85.	N.A.	18—25 Years	<i>Essential:</i> Nil. <i>Desirable :—</i> Knowledge of cycling	N.A.	6 months	By direct recruitment.	N.A.
24	Sweeper	Two	Class IV (Non-Gazetted)	Rs. 70—1— 80—EB— 1—85.	N.A.	18—25 Years	Experience of having worked as sweeper.	N.A.	6 months	By direct recruitment.	N.A.
25	Chowkidar	Three	Class IV (Non-Gazetted)	Rs. 70—1— 80—EB— 1—85.	N.A.	18—25 Years	1. Experience as chowkidar. 2. Knowledge of cycling.	N.A.	6 months	By direct recruitment failing which by transfer.	<i>Transfer:</i> — Persons working in similar or equivalent grades from other Central Government offices.
26	Gate-Keeper	One	Class IV (Non-Gazetted)	Rs. 70—1— 80—EB— 1—85.	N.A.	18—25 Years	Middle school standard pass. Experience as Gate-Keeper in some workshop and knowledge of blacksmithy, carpentry and masonry tools.	N.A.	6 months	By direct recruitment.	N.A.

1	2	3	4	5	6	7	8	9	10	11	12
27	Attendant (Bullocks)	Two	Class IV (Non- Gazetted)	Rs. 70—1— 80—EB— 1—85.	N.A.	18—25 Years	Practical experience in the maintenance of bullocks.	N.A.	6 months	By direct recruitment.	N.A.
28	Mali	One	Class IV (Non- Gazetted)	Rs. 70—1— 80—E.B.— 1—85.	N.A.	18—25 Years	Practical experience of gardening work.	N.A.	6 months	By direct recruitment.	N.A.

[No. F.10-5/65-AE(Part I)]
SANTOKH SINGH, Under Secy.

MINISTRY OF PETROLEUM & CHEMICALS

New Delhi, the 2nd August 1965

S.O. 2546.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, pipelines should be laid by the Indian Oil Corporation Limited and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto,

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

3. Any person interested in the said land may, within 21 days from the date of this notification, object to the laying of the pipelines under the land to the competent authority, 9, Syed Amir Ali Avenue, Calcutta—17 in the office of the Indian Oil Corporation Limited. Every person making such an objection shall also state specifically whether he wishes to be heard in person or by a legal practitioner.

SCHEDULE

ADDENDUM

State—West Bengal			Distt.—Howrah		Thana—Uluberia	
Village	Survey nos. Plot nos.	Extent (Area)	Village	Survey nos. Plot nos.	Extent (Area)	
Bamunhati, J.L. II	60	·01		152	·48	
	61	·02		159	·06	
	62	·02		160	·11	
	105	·01		449	·05	
	106	·18				

[No. 31(33)/63-ONG-Vol.24]

S.O. 2547.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum between Barauni Refinery in Bihar State and Haldia Port in Calcutta in West Bengal State, pipelines should be laid by the Indian Oil Corporation Limited and that for the purpose of laying such pipelines, it is necessary to acquire the right of user in the land described in the Schedule annexed hereto,

2. Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

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SCHEDULE

State—West Bengal

Distt.—Howrah

Thana—Bagnan

Village	Survey Nos. (Plot Nos.)	Extent (Area)	Village	Survey Nos. (Plot Nos.)	Extent (Area)
Mellak, J.L. 20 .	1424	·06	Asharia, J.L. 21— <i>contd.</i>	42	·06
	1425	·05		49	·07
	1426	·16		134	·005
	1427	·08		135	·07
	1428	·02		136	·10
	1436	·06		137	·16
	1970	·12		138	·18
	1971	·35		390	·11
	1972	·03			
	1973	·08	Chak Kamala, J.L. 23	1	·10
	1974	·09		5	·04
	1975	·08		6	·03
	1976	·10		8	·005
	1977	·05		987	·01
	1978	·02			
	1981	·005	Matinala, J. L. 24	183	·20
	1982	·08		184	·04
	2144	·05		186	·02
	2145	·10		187	·01
	2147	·18		188	·02
	2148	·18		190	·06
	2165	·01		191	·27
	2167	·07		207	·005
	2168	·06		213	·14
	2169	·05		214	·27
	2170	·13		236	·03
	2188	·13		286	·03
	2189	·04		287	·04
	2195	·32		288	·10
	2196	·14		292	·08
	2197	·08		293	·01
	2202	·02		298	·04
	2207	·01		299	·03
	2208	·02		300	·02
	2209	·04		301	·005
	2210	·005		314	·24
	2211	·03		315	·15
	2212	·05		316	·08
	2213	·05		317	·01
	2214	·11		353	·04
	2230	·39		354	·19
	2231	·25		355	·13
	2235	·01		356	·16
	2303	·005		371	·03
				373	·30
				381	·005
				382	·03
				383	·04
				384	·07
				385	·06
				386	·03
				387	·16
				388	·01
				394	·12
				408	·05
				420	·10
				421	·18
				434	·01
				435	·18
Vill. Asharia, J.L. 21 .	1	·02			
	2	·02			
	16	·26			
	17	·16			
	18	·03			
	19	·01			
	20	·005			
	21	·06			
	22	·11			
	23	·04			
	35	·005			
	36	·13			
	37	·20			
	38	·11			
	41	·18			

Village	Survey Nos. (Plot Nos.)	Extent (Area)	Village	Survey Nos. (Plot Nos.)	Extent (Area)
Matinala, J.L. 24— <i>contd.</i>	436	·17	Barunda, J. L. 32	93	·03
	442	·10		95	·02
	443	·04		96	·18
	503	·06		102	·22
				103	·38
				104	·04
Naopala, J.L. 25 .	383	·07		111	·18
	417	·09		115	·10
	418	·07		116	·03
	419	·03		122	·18
	420	·09		125	·005
	421	·20		127	·14
	422	·05		130	·22
	424	·02		131	·02
	425	·01		138	·50
	426	·005		152	·15
	434	·06		153	·40
	435	·04		157	·25
	436	·03		158	·005
	521	·01		159	·30
	525	·03		160	·09
	526	·31		161	·06
	528	·10			
	529	·11			
	530	·02	Vill. Iswaripur, J. L. 34	1	·02
	608	·005		4	·03
	609	·26		5	·02
	610	·02		8	·10
	616	·16		9	·06
	617	·005		10	·06
	619	·03		11	·40
	713	·01		12	·06
	723	·03		13	·15
	725	·18		30	·01
	726	·10		392	·08
	727	·08			
	728	·09			
	729	·18	Brahman Dukuria,	153	·04
	730	·02	J.L. 35 . . .	154	·10
	739	·03		156	·02
	740	·20		275	·11
	741	·09		276	·01
	742	·03		277	·01
	743	·06		279	·09
	744	·03		280	·03
	745	·01		281	·04
	800	·09		282	·04
	803	·14		283	·08
	941	·27		285	·04
	976	·03		287	·07
	1000	·03		307	·01
	1019	·06		311	·14
	1020	·03		312	·20
	1021	·10		313	·02
	1022	·06		314	·18
	1023	·05		315	·05
	1659	·06		317	·16
	1660	·29		319	·05
	1661	·16		320	·10
	1666	·25		321	·16
	1778	·01		367	·03
	2008	3·78		369	·11
	2008A	·18		370	·15
	2009	·10		371	·01
	2012	·14		373	·01
	2013	·46		374	·16

Village.	Survey Nos. (Plot Nos.)	Extent (Area)	Village	Survey Nos. (Plot Nos.)	Extent (Area)
Brahman Kukuria, J.L.	35	375 '19	Murgaberia, J.L.	55	1568 '32
—contd.		376 '08			1574 '01
		377 '01			1582 '08
		496 '12			1583 '08
		497 '19			1584 '05
		499 '03			1585 '005
		500 '36			1586 '16
		504 '03			1587 '01
		505 '06			1588 '02
		506 '12			1592 '22
		507 '09			1593 '06
		508 '01			1594 '005
		509 '03			1595 '03
		559 '14			1596 '10
		560 '26			1597 '08
		564 '005			1598 '01
		572 '09			1649 '55
		574 '06			
		575 '04			
		576 '09	Chandrapur J.L.	58	60 '05
		577 '10			61 '09
		652 '03			62 '08
		668 '14			64 '18
		669 '12			65 '08
		670 '13			66 '07
		673 '01			68 '17
		797 '01			72 '18
		818 '005			76 '14
		822 '07			77 '01
		839 '005			78 '20
					79 '03
Gopalpur, J. L.	41	281 '15			80 '02
		482 '005			81 '02
		484 '14			84 '04
		485 '07			85 '04
		486 '02			86 '02
		489 '03			87 '06
		490 '02			88 '23
		491 '19			91 '32
		492 '07			93 '48
		493 '03			99 '12
		494 '09			100 '20
		495 '04			102 '19
		496 '05			103 '02
		497 '09			104 '01
		498 '18			105 '01
		499 '22			106 '45
		500 '10			188 '06
		501 '04			
		620 '02			190 '27
					191 '10
Murgaberia, J. L.	55	1467 '005			195 '52
		1468 '18			197 '02
		1469 '005			198 '01
		1528 '14			199 '10
		1537 '02			200 '01
		1539 '20			1154 '08
		1540 '02			1155 '06
		1559 '01			1189 '02
		1560 '06			
		1561 '12	Khadinan, J.L.	59	266 '01
		1562 '005			267 '23
		1565 '005			268 '02
		1566 '12			269 '02
		1567 '16			270 '15

Village	Survey Nos. (Plot Nos.)	Extent (Area)	Village	Survey Nos. (Plot Nos.)	Extent (Area)
Khadinan, J.L. 59— <i>contd.</i>	271	.30	Khadinan, J.L. 59— <i>contd.</i>	1111	.10
	272	.18		1137	.005
	273	.33		1138	.05
	274	.005		1139	.05
	275	.08		1153	.005
	276	.38		1234	.03
	300	.03		1592	.10
	301	.03		1636	.02
	302	.27	Bagnan, J.L. 60	49	.02
	305	.005		51	.16
	306	.005		52	.08
	307	.03		53	.16
	315	.40		54	.09
	316	.06		55	.06
	317	.005		56	.04
	319	.02		62	.02
	322	.14		63	.18
	323	.10		64	.38
	374	.005		65	.04
	386	.06		70	.01
	387	.18		73	.38
	388	.01		74	.10
	389	.14		164	.10
	394	.03		165	.37
	541	.02		166	.01
	714	.03		167	.10
	715	.08		176	.01
	727	.05		622	.03
	728	.11		623	.05
	729	.20		624	.05
	730	.12		636	.37
	745	.32		665	.09
	746	.11		667	.005
	747	.06		1370	.06
	748	.05		1371	.04
	751	.20		1441	.10
	752	.07	Hijlak, J. L. 61	4	.08
	753	.01		45	.10
	754	.38		46	.04
	780	.02		47	.05
	809	.32		48	.06
	810	.54		49	.10
	812	.12		53	.33
	813	.04		78	.52
	969	.10		79	.03
	970	.12		80	.13
	971	.03		94	.10
	986	.01		95	.13
	987	.03		98	.05
	988	.07		99	.01
	989	.08		100	.30
	990	.07		101	.01
	991	.03		264	.10
	992	.16		265	.10
	1000	.02		268	.10
	1001	.005		269	.11
	1003	.20		270	.15
	1004	.02		274	.03
	1012	.32		275	.14
	1013	.005		276	.14
	1020	.03		277		.10
	1021	.05		325		.08
	1022	.05		326		.07
	1023	.02			

Village	Survey Nos. (Plot Nos.)	Extent (Area)	Village	Survey Nos. (Plot Nos.)	Extent (Area)
Hijlak, J.L. 61— <i>contd.</i>	327	.20	Hijlak, J.L. 61— <i>contd.</i>	603	.02
	329	.15		866	.04
	330	.12		1323	.05
	341	.06		1324	.01
	344	.04		1325	.07
	345	.02		1326	.06
	570	.04		1330	.13
	587	.42		1331	.16
	588	.01		1349	.21
	593	.23		1350	.08
	596	.02		1352	.18
	597	.04		1353	.10
	598	.08		1354	.09
	599	.02		1355	.03
	600	.09		1361	.02
	601	.18		1496	.03
	602	.21			

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H. C. SHARMA, Under Secy.